

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

MT. PISGAH MISSIONARY BAPTIST CHURCH

VS .

PEOPLES GAS, LIGHT AND COKE COMPANY

Complaint as to estimated back
billing in Chicago, Illinois.

Chicago, Illinois
January 13th, 2005

Met pursuant to notice at 10:00 a.m.

BEFORE:

MR. GLENNON P. DOLAN
Administrative Law Judge

APPEARANCES :

LAW OFFICES OF AMOS SMITH, by
MR. AMOS SMITH

120 West Madison Street, Suite 1104
Chicago, Illinois 60602

appearing on behalf of Mount Pisgah Missionary
Baptist Church;

McGUIREWOODS, LLP, by

MS. JAIME L. HOCHHAUSEN

MS. GRETA G. WEATHERSBY

77 West Wacker Drive, Suite 4100
Chicago, Illinois 60601

appearing on behalf of Peoples Gas, Light and
Coke Company.

SULLIVAN REPORTING COMPANY, by

Jennel Hooper-Troupe, RPR, CSR

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1 JUDGE DOLAN: By the power and authority of the
2 Illinois Commerce Commission, I call Case No. 03-0124
3 to order, a complaint to -- of estimated back billing
4 against Peoples Gas to order.

5 Would the parties please identify
6 themselves for the record.

7 MR. SMITH: For the record, Amos Smith, the
8 attorney for Mt. Pisgah Missionary Baptist Church,
9 the complainant.

10 MS. WEATHERSBY: Greta Weathersby, one of the
11 attorneys for Peoples Gas, Light and Coke Company.

12 MS. HOCHHAUSEN: Jaime Hochhausen, one of the
13 attorneys for Peoples Gas, Light and Coke Company.

14 JUDGE DOLAN: Okay. Why don't you give
15 your -- you guys should just give your full addresses
16 and everything on the record.

17 MR. SMITH: I'm sorry.

18 MS. HOCHHAUSEN: 77 West Wacker Drive, Chicago,
19 Illinois.

20 JUDGE DOLAN: You don't want to identify the
21 law firm?

22 MS. HOCHHAUSEN: McGuireWoods.

1 JUDGE DOLAN: Okay.

2 MR. SMITH: And, again, this is Amos Smith.

3 I'm an attorney at law. Address is 120 West Madison,
4 Suite 1104, Chicago 60602.

5 JUDGE DOLAN: The -- let the record reflect
6 that there are no other appearances for the record.

7 Mr. Smith, are -- I guess -- let's take
8 care of the preliminary matters before we proceed
9 with the hearing.

10 So, are there any preliminary matters at
11 this point?

12 MR. SMITH: I'm just going to ask just for the
13 interest of time and to get through this, would
14 Peoples Gas have any objection to not having a
15 foundation laid for the bills? They speak for
16 themselves.

17 MS. WEATHERSBY: Well, to the extent it's a
18 record that we have provided to you and it's clear
19 that it's that same record, yes, but I have to take a
20 look. I've seen some funny things with bills. I'm
21 sorry. I can't just accept a record. If you give me
22 a stack -- I mean, we should have maybe taken a quick

1 look at this. If we know it's a stack --

2 MR. SMITH: Yeah. I provided this stack to
3 Brett Beattie August 2nd, 2004.

4 MS. WEATHERSBY: So, they're our records
5 that --

6 MR. SMITH: Yeah.

7 MS. WEATHERSBY: -- we produced to you -- then
8 I would have no objection.

9 MR. SMITH: Okay.

10 JUDGE DOLAN: All right. With that, that's
11 fine.

12 Any other preliminary matters?

13 MS. HOCHHAUSEN: Well, I wanted to re-object to
14 the filing of this first amended complaint and any
15 introduction of the April 23rd, 2003 bill as being in
16 dispute.

17 JUDGE DOLAN: For the record, a discussion did
18 take place concerning the amended complaint. And I
19 had indicated to Mr. Smith, counsel for the
20 complainant, that I did feel that Exhibit 4, the bill
21 dated April 23rd, 2003, should not be properly
22 presented in this matter.

1 Q Lawrence Holt, that's your name, right,
2 please?
3 A Yes.
4 Q Okay. Mr. Holt, whose your employer?
5 A Reiter Heating.
6 Q Reiter Heating. And what do you do with
7 Reiter Heating?
8 A I install boilers, furnaces and steam
9 boilers. I do all heating work there, yes.
10 Q Okay. And approximately how long have you
11 been doing that sort of work?
12 A About roughly 20 years.
13 Q Roughly 20 years?
14 A 20 years.
15 Q Okay.
16 JUDGE DOLAN: Before you proceed, have you ever
17 testified before, sir?
18 THE WITNESS: It would be a long time ago, once
19 before.
20 JUDGE DOLAN: Well, just so you know, the court
21 reporter is taking down everything that's stated.
22 So, you can't nod your head for a yes. You can't,

1 you know, shake your head for a no. You have to
2 give -- no uh-uhs, no uh-huhs. You have to give an
3 answer that the court reporter can actually record,
4 okay?

5 THE WITNESS: All right.

6 JUDGE DOLAN: Thank you.

7 THE WITNESS: Thank you.

8 BY MR. SMITH:

9 Q And you say you've been in your profession
10 for about 20 years?

11 A Yes.

12 Q Okay. Would you consider yourself a -- an
13 expert in what you do?

14 A Yes, I would.

15 Q Okay. Are you familiar with the church
16 called Mt. Pisgah located at 4600 South King Drive,
17 Chicago, Illinois?

18 A Yes, I am.

19 Q Okay. Have you been to that church?

20 A Yes, I have.

21 Q Okay. Have you been to where the boilers
22 are located in that church?

1 A Yes, I have.

2 Q Can you describe that area for me.

3 A Yes, I can. It's a 30 foot, roughly, by 50
4 foot room with two steam boilers. It's got a very
5 high ceiling. It's probably 35 feet high, has a
6 fresh air intake on it because that's required for
7 the amount of gas that is burned there by the two
8 boilers.

9 Q Okay. How would you describe the
10 ventilation in that room?

11 A Ventilation is good, very good, because
12 it's required to have ventilation because of the two
13 steam boilers, where they're located at.

14 Q Okay. Were you ever aware of any leaks or
15 problems in that room?

16 A Yes. There was a gas leak there in the
17 main that's coming in. It's about roughly 25 feet,
18 35 feet away from the boiler.

19 Q Okay. Do you know when that gas leak was?

20 A I'd say -- the last time I was there when I
21 told them, maybe a year and a half.

22 Q Roughly a year and a half ago. So, if this

1 is January here right, will you say maybe -- this is
2 January 2005. Would you say approximately a year and
3 a half from there it would be?

4 MS. WEATHERSBY: Objection. Counsel is leading
5 the witness and providing dates and testimony for the
6 witness.

7 JUDGE DOLAN: Sustained.

8 BY THE WITNESS:

9 A Well, I would say -- I would correct
10 myself. I would say it's around October of 2003, I
11 believe.

12 Q Around October 2003?

13 A Right.

14 Q Okay. And what type of leak was that?

15 A It was gas.

16 Q Gas?

17 A Right.

18 Q How did you discover that?

19 A Well, when I come down to bring the tools
20 in, you have to walk past it and go down a flight of
21 stairs and then you get to the boilers. You walk
22 across. And every time you would come in and walk

1 across you would smell it.

2 Q Oh, you could smell it?

3 A You could smell it.

4 Q Okay.

5 A And when the boilers are running, it's

6 pulling more gas and you could smell it.

7 Q Okay. Let me ask you this: Based on your

8 expertise, if -- strike that.

9 Do you know where the meter is located

10 in that room?

11 A Yes. Well, they needed a gas pump because

12 the two boilers require a pump to pump the gas to

13 feed both of those 1,000,000 -- 200,000 BTU boilers

14 to provide it with enough gas pressure to run them.

15 Q Okay. So, where is the meter located?

16 A It's roughly about 25 feet away from the

17 boilers.

18 Q Okay. So, would -- based on your

19 expertise, would you say that if an actual reading --

20 (Witnesses cellular phone

21 ringing.)

22 JUDGE DOLAN: Off the record for a second.

1 (Discussion off the record.)

2 BY MR. SMITH:

3 Q Based upon your expertise, if that meter
4 was read by a professional with an actual reading, do
5 you think the person would have smelled?

6 MS. HOCHHAUSEN: Objection. He's not an expert
7 on meter reading.

8 JUDGE DOLAN: I'll have to sustain that.
9 You'll have to rephrase your question.

10 MR. SMITH: Sure.

11 BY MR. SMITH:

12 Q Is it -- was it pretty obvious to smell the
13 gas?

14 A Yes.

15 Q Okay. What kind of problems -- can a gas
16 leak -- based -- based on your knowledge and
17 experience, could a gas leak affect what the meter
18 says?

19 A Yes, it could. If it's after the meter.
20 If it's -- if the gas is coming through the meter and
21 then they have the leak, it's leaking out. It's
22 still registering it and it's not being used.

1 MS. HOCHHAUSEN: Objection. Again, he's not a
2 meter reader. He doesn't have expertise on meters.

3 JUDGE DOLAN: But he's not testifying about the
4 meter, Counsel.

5 MS. HOCHHAUSEN: Well, he's testifying as to
6 how a gas leak would affect -- affect the meter, how
7 much gas the meter is reading.

8 JUDGE DOLAN: I'm going to allow it just for
9 this purpose.

10 BY MR. SMITH:

11 Q I mean, was enough gas -- I mean, why
12 wasn't there an explosion if gas is leaking?

13 MS. WEATHERSBY: Objection. Counsel, you
14 haven't even -- there's been no testimony relative to
15 the amount of gas and you're asking him to jump
16 forward to an explosion. So, objection.
17 Speculation.

18 JUDGE DOLAN: Sustained.

19 MR. SMITH: Okay.

20 BY MR. SMITH:

21 Q Would you --

22 JUDGE DOLAN: Don't answer.

1 MR. SMITH: Don't answer.

2 THE WITNESS: (Nodding.)

3 BY MR. SMITH:

4 Q Could you estimate how much gas was leaking
5 when you were there?

6 A An estimate? Every time it would -- the
7 boiler would come on because it has a pump to pump
8 the pressure. You could smell the gas stronger when
9 the steamers were on -- if both steam boilers were on
10 running than you would if they were off, like on
11 weekends. You know, if they'd shut the boiler down,
12 you know, you don't smell is so bad. When they run
13 it, that's when you would smell it because is has a
14 pump to build the pressure --

15 Q Okay.

16 A -- on it, otherwise, it would never build
17 them up, they wouldn't work.

18 Q Okay. Is it normal to smell gas when the
19 boiler is running?

20 A You would smell it at the steamers when
21 they first start up because it's got spark ignition
22 and it has to light it. So, you would smell it very

1 slightly, then it goes away because then it's burning
2 up all the gas.

3 Q Uh-huh.

4 A That's the way they're designed. But
5 you're not supposed to smell it, you know, 25 feet
6 away at the meter where it comes in -- the pump that
7 they put on there.

8 Q Okay. Could you -- were you able to
9 determine what source the gas leak was coming from?

10 A Did I determine?

11 Q Yes.

12 A Yes. When I was smelling it a lot, I went
13 over by the meter where they got the pump and you
14 could smell it right there. You could smell it.

15 Q By the pump?

16 A Yeah.

17 Q Okay. And was the -- is the pump usually
18 installed by the person who put the boiler in or some
19 other third party?

20 A That's usually put in by the gas company.

21 Q By the gas company?

22 A Right. They have to judge what's there and

1 they give you the pump that's going to work what you
2 have.

3 Q Okay. So, if there's a problem with this
4 pump, would you expect the gas company to repair it?

5 A Yes, you would. Yes, you would.

6 Q Is it possible for this leak to have
7 occurred for a long period of time?

8 A Sure. Sure it is.

9 Q Could it occur for over a year and not
10 cause any major --

11 A Sure.

12 Q -- problems?

13 A Sure.

14 MS. WEATHERSBY: Objection.

15 BY THE WITNESS:

16 A Because --

17 MS. WEATHERSBY: Objection --

18 JUDGE DOLAN: Hold on, Counsel.

19 MS. WEATHERSBY: Objection, your Honor. He's
20 calling the witness to speculate regarding major
21 problems. We don't know what the problems are and he
22 said yes and it's still unclear what he's talking

1 about. So, it's objection. Speculation.

2 JUDGE DOLAN: I will sustain that one.

3 BY MR. SMITH:

4 Q Will you restate to me what you believe
5 caused -- what was leaking.

6 A Well, it's a pump. Well, when I was there
7 when I was putting their first steamer -- steam
8 boiler, it was a red pump. You know, it's
9 about -- since I've been there, they changed that and
10 they put a gray one in there and they made it bigger.
11 But the first one that was originally there was red
12 and they were supposed to take care of a problem
13 there, which -- well, to my understanding. And now
14 it's fixed. You know, they got a different pump on
15 there now. So, I don't know when they changed it or
16 how they change it or --

17 Q You said a red pump versus a gray pump?

18 A Right.

19 Q What's --

20 A The red one it was a little smaller. And
21 it's when the gas comes, it goes through it, you
22 know, so they could read it. So, now they got a

1 bigger one on there. It's a little bigger. It's
2 gray and it's different than the other one that was
3 originally on it.

4 Q Would you tell me how large in measurements
5 the red pump is and how large was the gray pump?

6 A The red ones a few inches smaller than the
7 one they have on there now, circumference and
8 diameter, I would say. But you don't smell no gas
9 leaking from the new one.

10 Q And how recently have you been there?

11 A Roughly about a month and a half ago. I
12 don't know how long that's been there. But that's my
13 last time I was there I noticed things were changed.

14 Q In your business who usually makes you
15 aware of a gas leak?

16 A Usually the owner does.

17 Q The owner does?

18 A The owner or anybody else that says they
19 might smell gas here. I'll go check it out for them
20 and see where I would think it would be coming from
21 or it is coming from. You know, you have a tester
22 that can test. You go around it and you can tell

1 when it's leaking if it reads a certain amount of
2 BPMs on there.

3 Q Okay. So, the gas you smelled at Mt.
4 Pisgah could not have been discovered by a layperson
5 or smelled by a layperson?

6 A Yeah. Could be, yes.

7 MR. SMITH: No further questions at this time.
8 No further questions.

9 JUDGE DOLAN: Cross-examination?

10 CROSS-EXAMINATION

11 BY

12 MS. HOCHHAUSEN:

13 Q How many times have you visited the church?

14 A Quit a few times. Like I said, I put the
15 one boiler in there and I don't know -- I don't know
16 how many times I've been there, but since the
17 Reverend Jackson has been there -- you know, I had
18 pointed things out to him because he's the one who
19 took the church over -- just to keep the record
20 straight here -- and I noticed a lot of things for
21 him, okay, the gas leaks and certain things like that
22 when I changed the steam boiler. All right. And

1 I -- he knew it and I made it aware to him because I
2 don't know how many --

3 Q Was it more than five times?

4 A Oh, yes. I've been there a lot more than
5 five times. I was there three weeks straight several
6 different times.

7 Q And did you visit the church any time
8 between, let's say, October 2001 to October 2002?

9 A That time, no.

10 Q And when you visited the church, you said
11 you smelled gas on one occasion?

12 A That's every occasion I was there.

13 Q And wouldn't you agree that if there was a
14 gas leak, it's standard procedure for you to call the
15 gas company?

16 A Well, if he's the owner, he called them. I
17 would just let him do that. He was aware of it.

18 Q Did you do any repair work on those
19 occasions?

20 A No, not on what is the gas companies. No.

21 Q Did you do any repair work on the boiler?

22 A Well, I changed the boiler.

1 Q Prior to changing the boiler, did you do
2 any repair work on any other boilers that were on the
3 premises?

4 A Well, just flushing them down, clean them
5 out, make sure everything's working.

6 Q Did you do any work on any of the natural
7 gas piping in the building?

8 A No.

9 Q And did the church pay you for your work?

10 A They pay the company, yes.

11 Q Do you have copies of those invoices?

12 A No, I don't. The company would.

13 Q Okay. And are you being paid to come here
14 today?

15 A Today? They said they'd make up for my
16 time, but no, not really.

17 Q You don't know the exact type of appliance
18 that was present on October 25th, 2002; correct?

19 A Exact type of appliance, no.

20 Q Do you know the exact type of boiler that
21 was present?

22 A Peerless 211.

1 Q And when you -- you said you could smell
2 gas?

3 A Uh-huh.

4 Q Could a Peoples Gas employee smell -- would
5 a Peoples Gas employee be able to smell the gas if
6 they came?

7 A Well, yes. If they came down there, they
8 would smell it. Yes.

9 Q And you could -- you said you could smell
10 it when you were walking down the stairwell?

11 A Yes.

12 Q You'd agree that other people have probably
13 gone down the stairwell prior to you?

14 A Yes.

15 Q And they would have smelled the gas as
16 well; correct?

17 MR. SMITH: Objection, your Honor. That's
18 outside of the scope.

19 MS. HOCHHAUSEN: He said that anyone would be
20 able to smell it.

21 JUDGE DOLAN: I'm going to allow it.

22

1 BY THE WITNESS:

2 A Yes, other people could smell it. I
3 have -- for the record, I have never seen a Peoples
4 Energy person even come down there to check it at
5 all.

6 Q Okay. That wasn't my question. So,
7 you -- you work on specifically boilers; correct?

8 A Boilers.

9 Q You have no knowledge of pumps?

10 A Pumps and stuff, no.

11 Q So, you're not an expert on pumps?

12 A Not an expert on pumps. But when you smell
13 gas, you notice a problem.

14 Q But you have no knowledge of pumps --

15 A No.

16 Q -- correct?

17 A Not a pump expert.

18 Q Okay. Could you describe the gray or
19 the -- I believe you said there was a red pump
20 originally. Could you describe the pump for me?

21 A Describe it for you? It's round, round
22 flanges are on it, gas comes in, the other main comes

1 out and feed the boilers.

2 Q And where is that pump in relation to the
3 boilers?

4 A About 20 to 25 feet away.

5 Q And how far away is it from the meter?

6 A I believe that was the meter -- meter pump.
7 The other meter, I don't know exactly where that
8 would be at. You would have to be at the church, I
9 guess, to explain that.

10 Q Could you clarify. Do you believe or do
11 you know for sure?

12 A For what?

13 Q That the pump is --

14 A Is what was leaking?

15 Q No. That it was near -- how -- that it was
16 25 feet away from the boiler?

17 A Yeah, I could verify that.

18 Q And that -- can you also verify that it was
19 attached to the meter, it was the meter -- the pump?

20 A Yeah. It's attached to the meter.

21 Q Now, you didn't investigate into the leak;
22 did you?

1 MR. SMITH: Objection, your Honor. That's
2 ambiguous. Can she restate the question, please.

3 JUDGE DOLAN: I'll sustain that objection.
4 Just rephrase your question, Counsel.

5 BY MS. HOCHHAUSEN:

6 Q You did not actually -- you didn't actually
7 test the pump; did you?

8 A No, it's --

9 Q And you --

10 A The boilers are running. It's --

11 Q Right. And you did not have -- you never
12 ever tested the amount of gas that was actually
13 leaking?

14 A No.

15 Q And during this time that you said you've
16 gone there on -- at least five times and you smelled
17 gas each time?

18 A Yes.

19 Q Not once did you ever call Peoples Gas; did
20 you?

21 A No. I let the reverend know. That was his
22 job.

1 Q And every time that you went to the church
2 to check on the boilers, it was after
3 October 25, 2002; correct?

4 A Yes.

5 Q Now this leak, it was downstream of the
6 meter; correct, meaning after the meter -- between
7 the boiler and the meter?

8 A Between the boiler -- yeah -- well,
9 it's -- I believe it could be before the meter or
10 after, one of the two. I think it's before the
11 meter.

12 Q You don't know; do you?

13 MR. SMITH: Objection, your Honor. The
14 question is vague. He doesn't understand the
15 question, your Honor.

16 THE WITNESS:

17 A I think it was.

18 MS. HOCHHAUSEN: I think it's pretty clear --

19 BY THE WITNESS:

20 A I believe it was --

21 JUDGE DOLAN: Hold on, sir. Can you read the
22 question back, please.

1 (Record read as requested.)

2 JUDGE DOLAN: I'm going to overrule the
3 objection. Go ahead and answer, sir.

4 BY THE WITNESS:

5 A I believe it was before the meter. That's
6 what I believe.

7 Q Previously you just said that you thought
8 it was after the meter; correct?

9 A Right, but see --

10 Q And then you said you didn't know?

11 A The meter --

12 Q So, you don't know?

13 JUDGE DOLAN: Give him an opportunity to
14 explain.

15 BY THE WITNESS:

16 A I can explain. All right. They put a
17 meter in there. And they put the pump in. Now, the
18 gas comes from that pump that they put in -- you
19 know, from the meter pipe to this pump, then the gas
20 pipe comes out and feeds everything. So, this whole
21 area here of that is what they do. They make sure --

22 Q It wasn't clear to me -- this whole area of

1 that?

2 A Well, where the pump is at, that's where
3 the gas pump goes to the meter. That's what they put
4 in. You know, they got to calculate the amount of
5 gas they're going to need to run the boilers.

6 Q You said you believe the pump was a part of
7 the meter, though?

8 A Yes, it is.

9 Q So, it would be at the meter?

10 A Right.

11 Q Or after?

12 A Right.

13 Q Okay.

14 MS. HOCHHAUSEN: No further questions -- well,
15 hang on.

16 BY MS. HOCHHAUSEN:

17 Q So, the pump, is it at the meter or after
18 the meter, I'm unclear because it's actually two
19 different things?

20 MR. SMITH: Objection. Asked and answered,
21 your Honor.

22

1 BY THE WITNESS:

2 A It's, I believe --

3 JUDGE DOLAN: I'm going to -- I'm going to
4 overrule just because I'm not sure either. So,
5 let's -- I want to get it clarified myself.

6 MR. SMITH: If you can ask her to rephrase the
7 question because I'm confused by the question, too,
8 your Honor.

9 JUDGE DOLAN: If you could just clarify your
10 question, Counsel.

11 MS. HOCHHAUSEN: Okay.

12 BY MS. HOCHHAUSEN:

13 Q The pump -- where is the pump located?

14 A It's in the boiler room.

15 Q It is -- where is it located?

16 A According to the meter?

17 Q Yes.

18 A I think the meter's in the front or on the
19 side and on it -- and the gas is piped to this pump
20 so it could pull it and then go in. And that's
21 their -- that's the gas company's job to hook that up
22 to make it pump all the gas that the building needs.

1 Q Okay. I'm still unclear where is the pump?

2 A The pump's in the boiler room. The meter,
3 I believe, is outside.

4 Q Okay. The --

5 MS. WEATHERSBY: If I could ask a question on
6 this, maybe I might be able to clarify the location
7 because this is a circular things that's occurring.

8 MR. SMITH: I think it's been asked and
9 answered 20 different -- I mean, several different
10 times.

11 JUDGE DOLAN: Well, Counsel, I -- to be honest
12 with you, I -- I think he's -- just looking at my
13 notes, I'm not a hundred percent sure where it's at
14 either. So, if we could get this clarified --

15 MS. SMITH: Maybe she can restate the question
16 so he can --

17 MS. WEATHERSBY: I can. I can ask the
18 question. No problem. Jaime, if I may, just on this
19 issue.

20 MS. HOCHHAUSEN: That's fine.

21

22

1 CROSS-EXAMINATION

2 BY

3 MS. WEATHERSBY:

4 Q Mr. Holt?

5 A Yes.

6 Q Greta Weathersby. Let's clarify now.

7 You've indicated that you saw a red pump at the meter

8 and this was some time period after October 2002;

9 correct?

10 A Right.

11 Q Now, the question is: Where was the pump

12 in relation to the meter? If the meter -- if the

13 meter is at A, is the pump at B, C or D? Or is the

14 pump before A? That's the question.

15 A Oh, okay. The pump is after the meter.

16 Q The pump is at B, C or D; correct?

17 A Right.

18 Q Now, let's talk about the boiler. If the

19 meter is at A and the pump is at B, C or D, where is

20 the boiler? Is it downstream in the alphabet?

21 A Right, it's after.

22 Q Okay. So, we've got the meter is A --

1 A Right.

2 Q -- the pump is somewhere after the
3 meter -- B, C or D --

4 A Right.

5 Q -- and the boiler is F or G?

6 A Right.

7 MS. WEATHERSBY: Thank you.

8 JUDGE DOLAN: Any more questions?

9 MS. WEATHERSBY: No further questions for this
10 witness, your Honor.

11 JUDGE DOLAN: Any redirect?

12 MR. SMITH: Just a few.

13 REDIRECT EXAMINATION

14 BY

15 MR. SMITH:

16 Q Whose job is it to work on the meter or
17 work on the pump you just described?

18 A The gas company.

19 Q Okay. So that would -- so that's not
20 something that you or any other licensed professional
21 like you would deal with; right?

22 A No.

1 Q Okay. And if you discover a problem -- if
2 you discover a problem, you would suggest to your
3 client to contact Peoples Gas or -- regarding that
4 matter?

5 A Correct.

6 MR. SMITH: No further questions.

7 JUDGE DOLAN: Any recross?

8 MS. WEATHERSBY: One moment, your Honor.

9 MS. HOCHHAUSEN: Okay. I have one question,
10 your Honor.

11 RECROSS-EXAMINATION

12 BY

13 MS. HOCHHAUSEN:

14 Q Today you've not provided any records of
15 any of the visits that you have made to Mt. Pisgah;
16 have you?

17 A No, I have not.

18 Q So, this is all -- well, let me follow up.
19 So, this is all based on your memory; correct?

20 A Memory. And I believe the reverend would
21 have that information.

22 Q Okay.

1 JUDGE DOLAN: Any further questions?

2 MR. SMITH: No.

3 JUDGE DOLAN: All right, sir. Thank you. You
4 may be excused. I want to take a short recess real
5 quick because I forgot to get a legal pad. I want to
6 have something to write notes on.

7 (Recess taken.)

8 JUDGE DOLAN: Are we ready for the next
9 witness?

10 MR. SMITH: Yep.

11 MS. WEATHERSBY: Can we have the nature of the
12 this witness so I can have the appropriate Peoples
13 Gas person come in?

14 MR. SMITH: Sure. Helen -- Helen Walker. She
15 is the church secretary and administrator. She
16 handles all bills, invoices, she pays them, handles
17 all the communication and she's the one that provided
18 all the documents to me.

19 MS. WEATHERSBY: Okay. Well, I'll have Brian
20 Schmoldt come in. He's our billing expert.

21 JUDGE DOLAN: That's fine. Ma'am, I'd like you
22 to take a seat up here, please. Ma'am, will you

1 raise your right hand -- or I'm sorry. Please
2 identify yourself for the record.

3 THE WITNESS: Helen walker.

4 JUDGE DOLAN: Okay. Now, please raise your
5 right hand.

6 (Witness sworn.)

7 JUDGE DOLAN: Go ahead and proceed, Counsel.

8 MR. SMITH: Okay. I have documents that Helen
9 Walker provided to me and I want to walk her through
10 some of those documents. And in the interest of
11 time -- I did provide a copy to your office before.
12 If you want me to lay a foundation, I'll just lay a
13 quick foundation; otherwise, we can just stipulate to
14 these documents and I can just get through what I
15 need to get through.

16 MS. WEATHERSBY: If you provided those to us,
17 I'm sure it's not a problem.

18 MS. HOCHHAUSEN: Can I just look at them real
19 quickly.

20 MR. SMITH: I have an extra copy for you to
21 take a look at.

22 JUDGE DOLAN: Why don't you lay a foundation

1 for her before you present her with the documents,
2 just for the record.

3 MS. HOCHHAUSEN: That's fine.

4 MR. SMITH: That's fine. Okay.

5 HELEN WALKER,
6 called as a witness herein, having been first duly
7 sworn, was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY

10 MR. SMITH:

11 Q Please state your name for the record.

12 A Helen Walker.

13 Q Helen Walker? And who is your employer?

14 A Mt. Pisgah Missionary Baptist Church.

15 Q And what is your job description there?

16 A Secretary.

17 Q Secretary?

18 A Uh-huh.

19 Q And what are some of duties of the
20 secretary?

21 A Filing, answering phones, paying the bills.

22 Q Can you speak a little bit louder, please.

1 A Mail, filing, answering phones, paying
2 bills, you know, doing the mail. I keep records.
3 Just about everything that go (sic) through that
4 office, I probably have something to do with it.

5 Q Okay. Do you recall providing me a -- a
6 stack of documents relating to your Peoples Gas file?

7 A Yes.

8 Q Okay. I'm going to show you this document.
9 Have you -- it's a stack of document (sic) numbered 1
10 through 62?

11 A Okay.

12 Q Just take a second to see if you recognize
13 those documents. Make sure they have not been
14 altered or changed in any way.

15 A That's my handwriting, yes. I'm familiar
16 with them.

17 Q You're familiar with them?

18 A Yes.

19 Q Okay. Let me bring your attention to the
20 Peoples Gas account. Again, tell me
21 something -- tell me what are some of things that
22 you've done with that account?

1 A Well, I pay the bill. When there are
2 discrepancies, I make phone calls.

3 Q Okay. Will you look at my first document
4 which is numbered page one.

5 A Yes.

6 Q Do you recognize that document?

7 MS. HOCHHAUSEN: Could we have a copy of those?

8 MR. SMITH: Sure.

9 BY MR. SMITH:

10 Q And who is that document from?

11 A Peoples Gas.

12 Q If you can speak a little bit louder,
13 please.

14 A Peoples Gas.

15 Q And what were you informed of?

16 A When you say "what was I informed of," you
17 mean what's on here --

18 Q Yes.

19 A -- is that what your saying?

20 Q Yes.

21 A It says boiler number one, hitch yellow
22 flame possible -- I don't know what that word is --

1 Q Okay. That's good enough. Okay. But that
2 is a document that was received by you all; right?

3 A Right.

4 Q Okay. If you could turn to page -- page
5 two.

6 A Okay.

7 Q Okay. Is that your handwriting?

8 A It is.

9 Q Okay. And what would those
10 documents -- what were those notes for?

11 A Those notes were because I had some issues
12 and -- or concerns in regards to bills. So, I called
13 Peoples Gas regarding those.

14 Q Okay.

15 A And the people that I -- or persons I spoke
16 with, I dated it. I put the person's name and the
17 time.

18 Q Okay. When you say "bills," would
19 you -- if I was to --

20 MR. SMITH: Can we stipulate when she said
21 "bills," we're talking about the two bills that are
22 at issue? Can we stipulate to that?

1 MS. WEATHERSBY: Sure.

2 MR. SMITH: Okay.

3 MS. WEATHERSBY: We can stipulate that we're

4 talking about the 10/25/01 and the 10/25/02, yes, we

5 can.

6 MR. SMITH: Okay. Thank you. Okay.

7 BY MR. SMITH:

8 Q So, you would call and have what type of

9 discussions with Peoples Gas?

10 A Well, with the concerns that I had in

11 regards to the bills. You know, why they

12 would -- they were so high or the reasons or

13 estimated bills or whatever.

14 Q You mentioned estimated bills. Did you

15 ever request not to receive estimated bills?

16 A Yes, I did.

17 Q And what type of response did you receive?

18 A When you say "what kind of response,"

19 what -- I was told that we weren't supposed to be

20 receiving them, but the bills did not say that.

21 Q Okay. Would you mind turning to page five.

22 A Okay.

1 Q Do you recall having a discussion with
2 someone at Peoples Gas regarding these bills in July?

3 A Yes.

4 Q On or about July 1 of 2003?

5 A Yes.

6 Q And what did you tell them?

7 A My question was -- to Ms. Johnson was why
8 were we receiving the high estimated bills. And she
9 gave her response as to why.

10 Q And what was her response?

11 A She said because of late payments of
12 November, December '02, January, February, March,
13 April, June '03, because current bills were paid when
14 the total amount due should have been paid.

15 Q Okay. If you turn to page eight of those
16 stack of documents.

17 A Okay.

18 Q And that bill on page eight is dated
19 January 25th, '01. Do you see that?

20 A Yes.

21 Q Okay. There is a part on that bill that
22 says "balance"?

1 A Right.

2 Q What's the balance on that bill?

3 A It says zero here.

4 Q Zero? Okay. And what's the amount due on
5 that bill?

6 A 1498318.

7 Q Okay. And also there's a little box that
8 says meter reading. It talks about actual and
9 estimate. Is that -- what type of bill is that?

10 A Did you say --

11 Q Is that an actual bill or an estimate of
12 your bill?

13 A It says here current estimated.

14 Q Okay. Okay. So, this bill right here does
15 not show any -- doesn't show you being late; right?

16 A No. It says it was paid on 1/31.

17 Q Okay.

18 MS. WEATHERSBY: Objection. Counsel, we need
19 the witness to authenticate where it shows paid and
20 whose information this is. I'm stipulating but at
21 some point we need some authentication as to the bill
22 that was received from Peoples and then how that

1 document may have been modified by your client if --

2 MR. SMITH: I think the record will speaks

3 (sic) for themselves because when the balance carries

4 forward, it will show whether or not there was a

5 balance due or --

6 MS. WEATHERSBY: I agree that the

7 records -- that we've said they're not modified by

8 any handwritten notes --

9 MR. SMITH: I won't --

10 MS. WEATHERSBY: They speak for themselves.

11 BY MR. SMITH:

12 Q Don't address any handwritten notes unless

13 I ask you to, okay?

14 A (Nodding.)

15 MR. SMITH: Would that be better?

16 MS. WEATHERSBY: Yes.

17 MR. SMITH: It's no problem, Counsel.

18 MS. WEATHERSBY: Uh-huh.

19 BY MR. SMITH:

20 Q If you go to page nine of this -- of those

21 bills and go to the balance section, is there a

22 balance?

1 A It says total balance 1168871.

2 Q No, no. You're looking at page nine?

3 A Yes.

4 Q Page nine?

5 A Oh, balance zero zero.

6 Q Balance zero --

7 A At the top right.

8 Q Okay. And what's the amount due on that

9 bill?

10 A 1168871.

11 Q Okay. And is this bill -- this -- an

12 actual or estimate bill?

13 A It says -- in current it says actual.

14 Q Okay. So, the actual bill?

15 A Yes.

16 Q So, you see no record of being late; right?

17 A No.

18 Q Okay. If you go to page ten, just quickly,

19 page ten.

20 A Uh-huh.

21 Q And that bill is dated when?

22 A 3/27/01.

1 Q And what's the balance on that bill?

2 A It says zero zero.

3 Q Okay. And do you see the amount due?

4 A You mean the total balance?

5 Q Yes.

6 A 584621.

7 Q Okay. And is that an actual or -- an

8 estimate or actual bill?

9 A It says estimated.

10 Q Okay. Look at page 11, please.

11 A Uh-huh.

12 Q That bill is dated when -- the bill date?

13 A 4/25.

14 Q '01?

15 A Right.

16 Q Okay. And do you see a zero balance?

17 A Balance zero, right.

18 Q Okay. And is that an actual reading or

19 estimate?

20 A It says actual.

21 Q Okay. Good. If you go to page 12.

22 A Uh-huh.

1 Q That bill is dated May 29th, 2001?

2 A Correct.

3 Q Do you see the balance?

4 A Zero zero.

5 Q Okay. And is that an actual or estimate
6 bill?

7 A Estimated.

8 Q Okay.

9 MS. WEATHERSBY: Your Honor, we've stipulated
10 to the record and I would just say that the records
11 speak for themselves. And this is leading us up to
12 the time period but a long time before, so -- I'm
13 just going to object, that the records speak for
14 themselves to the extent that the witness is
15 testifying to what the record reflects. If we could
16 just go to a record that she's testifying
17 regarding -- otherwise the records --

18 MR. SMITH: Sure. I agree. I agree with you,
19 Counsel. The records speak for themselves, but also
20 I want to bring out the point that from the period of
21 6/26/01 to 10/25/01, you continue to receive
22 estimates where the client requested actual bills.

1 And then from the period of 12/31/01 all the way up
2 to 4/23/03, you continue to receive estimates for
3 17 months in addition and the client continually
4 asked for actual bills.

5 MS. WEATHERSBY: Well --

6 MR. SMITH: And the records will reflect that.

7 MS. WEATHERSBY: I'll object to the summary as
8 to what the client has asked for and so forth and so
9 on. But I will stipulate if the bills say actual or
10 estimate, that's what they were, subject to any other
11 records that will show, you know, something
12 differently or other independent visits to the
13 premises that show actual reads.

14 So, my only point was if we're going to
15 just keep doing this, the records speak for
16 themselves.

17 MR. SMITH: Okay. That's the point I want to
18 bring out. And, again, the records speak for
19 themselves and they're already in evidence.

20 JUDGE DOLAN: So, it's to the extent of that,
21 we're just going to go ahead and stipulate to these
22 bills for what they say or not say and then --

1 MS. WEATHERSBY: To the extent they're not
2 modified in writing and then we may be looking at
3 these same bills for different purposes in our case
4 in chief. But the bills are the bills, subject to
5 any other additional billings or visits or so forth
6 in evidence.

7 MR. SMITH: Okay.

8 MS. WEATHERSBY: For the record, I'm just
9 saying if we could --

10 MR. SMITH: Sure.

11 MS. WEATHERSBY: -- get a little bit closer to
12 the --

13 MR. SMITH: That's fine.

14 MS. WEATHERSBY: -- time period, maybe a month
15 or two before --

16 MR. SMITH: Sure.

17 MS. WEATHERSBY: -- that might help us.

18 MR. SMITH: Okay.

19 JUDGE DOLAN: That's fine. It will speed it
20 up.

21 BY MR. SMITH:

22 Q I just want to ask you one -- a few more

1 questions. Go to page 17.

2 A Uh-huh.

3 Q Okay. Is that a document that was in your

4 records?

5 A Correct.

6 Q And you provided that to me?

7 A Yes, I did.

8 Q And what is that document telling us?

9 A That Peoples Gas was here today to repair

10 the gas leak.

11 Q And what's the date of that?

12 A September the 28th, '01.

13 Q Okay. If you will, go to page 42.

14 A Uh-huh.

15 Q Okay. Do you recognize that document?

16 A Yes.

17 Q Do you recognize the handwriting on that

18 document?

19 A Yes.

20 Q Whose handwriting is that?

21 A It's mine.

22 Q Mine. Okay. If I see a handwriting that

1 says 11 slash 7, is that yours?

2 A Yes.

3 Q What is that note regarding?

4 MS. HOCHHAUSEN: Can you please point?

5 MR. SMITH: Sure. The one that says 11/7 right

6 there.

7 BY THE WITNESS:

8 A Do you mean you want me to read what that

9 says?

10 Q Or you can tell me in your own words.

11 MS. WEATHERSBY: Objection. I think if these

12 are her writings, then she should read it. But --

13 MR. SMITH: That's fine.

14 JUDGE DOLAN: Sustained. Yes, go ahead and

15 read it for the record.

16 BY THE WITNESS:

17 A Okay. Talked to Peoples Energy customer

18 service and Ms. Davis and Mr. K. Thomas, supervisor

19 working on the dispute. And then I have, like, the

20 telephone number (312) 814-2850, Illinois Commerce

21 Commission to request hearing.

22 Q Okay. What years are these notes for?

1 What year?

2 A It's got to be -- I didn't put the year
3 there. I'm not sure about that because --

4 Q What is the date on the bill?

5 A It's '02. So, this was ten. So, if this
6 is 11 -- I see I do have 1/29/03. So, this has to be
7 '02, because I do have a notation for 1/29/03.

8 Q So, the 11 and 7 is basically for 2002?

9 A Yes.

10 Q Okay. How about the note that says 11/19?
11 Read that please.

12 A Mr. Harvell waiting to hear from Peoples
13 Gas to set up hearing request.

14 Q Okay. I see a note for it that says 11/27.

15 A Uh-huh. A message from Mr. Harvell on the
16 status of the hearing.

17 Q Okay. Read the one that says 11/15.

18 MS. HOCHHAUSEN: Objection, your Honor. What's
19 the relevance of this?

20 JUDGE DOLAN: Counsel?

21 MR. SMITH: The relevance is that there's a
22 track record of my client requesting not to have

1 estimated bills. And I think once we get Peoples Gas
2 on the stand that there's a document that they
3 provided to me that says basically that if the
4 customer doesn't want estimated bills, they won't
5 provide estimated bills. So, I just want to make
6 that point.

7 MS. HOCHHAUSEN: These notes say nothing about
8 estimation. They say request hearing. I don't see
9 how they refer to estimation at all.

10 JUDGE DOLAN: For that part, I will sustain her
11 objection.

12 MR. SMITH: Okay.

13 JUDGE DOLAN: Okay.

14 MR. SMITH: Okay.

15 BY MR. SMITH:

16 Q Why were you having these discussions
17 with -- or making these notes regarding Peoples Gas?

18 A Because of the bills. Because of the way
19 the bills were, Reverend requested a hearing.

20 Q What was the problem with the bill?

21 A Because Reverend -- they were high.

22 Q They were high?

1 A Yeah. And we were still getting estimated
2 bills also.

3 Q Oh, okay.

4 MR. SMITH: No further questions.

5 BY MR. SMITH:

6 Q Go to -- go to page 43. And you have -- is
7 that your writing?

8 A Yes.

9 Q Okay. And you have 12 slash 3 and you got
10 per. Can you read that. That's the one that's
11 like --

12 A Yes, per Ms. --

13 Q Yeah.

14 A Per Ms. Rudolph, reading on 11/21 will
15 reflect actual reading, which will be billed after
16 12/24. Must pay current charges to avoid late
17 charges and a disconnect notice.

18 Q Okay. Go to page 44. I just want to make
19 one point. If you could read page 44, the bill dated
20 12/27/02. And do you see where it says "customer" on
21 the left-hand side?

22 A I guess that's part of customer, yeah.

1 Q Right. Now go down to -- just go straight
2 down. It has a line that says "next meter reading".
3 Do you see that? I think next is kind of cut off.
4 It says next meter reading February 20, 2003?

5 A Yes.

6 Q Okay. And without going through all these
7 bills -- but you will probably -- I mean, it's safe
8 to assume that all the other bills that are in this
9 stack would indicate the next meter reading?

10 A You're asking me would it say that?

11 Q Let's assume that. Is that okay?

12 A Okay.

13 Q Okay. Okay.

14 MR. SMITH: No further questions.

15 JUDGE DOLAN: Cross-examination?

16 MS. HOCHHAUSEN: Yes.

17 CROSS-EXAMINATION

18 BY

19 MS. HOCHHAUSEN:

20 Q Ms. Walker, hi, I'm Jaime Hochhausen. You
21 would agree that the building is approximately a
22 hundred years old or it's a fairly old building?

1 A It's old, yes.

2 Q And it's a brick building?

3 A Yes.

4 Q And the church is a church and it has a

5 school as well; correct?

6 A No, we don't have a school.

7 Q No, there's no school?

8 A No.

9 Q Approximately -- how -- what time does the

10 church open?

11 A 8:00 in the morning.

12 Q And approximately what time does the church

13 close?

14 A About five.

15 Q About five?

16 A Uh-huh.

17 Q And is this on weekends as well or is there

18 a different schedule for weekends?

19 A Well, it's -- Monday through Saturday, it's

20 eight to five. It could change, though. I mean,

21 like on Saturday the time could change. On Sunday,

22 I'd say probably around eight and then whatever time

1 we have service in the afternoon or whatever. That
2 could vary, too.

3 Q Okay. And you have church services every
4 Sunday?

5 A Yes.

6 Q Do you have any other services?

7 A Do you mean like other than Sunday?

8 Q Yeah.

9 A Well, we're open every day. We do have
10 Bible study on Wednesdays and Tuesdays.

11 Q And is that during the day or --

12 A Yes.

13 Q And do elderly attend your church?

14 A Elderly?

15 Q Yes.

16 A Yes.

17 Q And young children?

18 A Yes.

19 Q So, you'd want to keep the heat level at a
20 comfortable level for those people; correct?

21 A Correct.

22 Q And do you have special services for

1 holidays as well?

2 A Well, we did have watch meeting this year.

3 This year we did have watch meeting --

4 Q Okay.

5 A -- and we didn't have morning service for

6 Christmas this year. So, sometimes we do, yes.

7 Q Okay. And are all the windows in the

8 church closed at all times?

9 A Yes.

10 Q Including the windows in the basement? Are

11 there windows in the base?

12 MR. SMITH: Objection. Vague. Where in the

13 basement?

14 BY MS. HOCHHAUSEN:

15 Q Are there windows at all in the basement?

16 A I -- you know --

17 JUDGE DOLAN: Go ahead and answer. Yeah, go

18 ahead and answer, ma'am.

19 BY THE WITNESS:

20 A As far as windows in the basement, I don't

21 know about that.

22 Q Have you ever been in the basement?

1 A I've been to the baptismal -- baptismal
2 pool.
3 Q There's a baptismal pool in the basement?
4 A Yes.
5 Q And when you -- in the -- so, do you do
6 baptisms in the basement?
7 A That's where the pool is.
8 Q Okay. Do you have any other service of any
9 sort in the basement?
10 A No.
11 Q And have you seen the meter in the
12 basement?
13 A No. That's not a part of my job.
14 Q Any other time that you've gone to the
15 basement, have you smelled gas?
16 A Smelled gas?
17 Q Yes.
18 A Well, I've only been in there maybe like
19 one or twice, so I -- I haven't smelled gas. I don't
20 know. I mean --
21 Q Okay. Are you aware of where the boiler is
22 in the basement?

1 A No.

2 Q Are you aware of where the hot water tanks
3 are in the basement?

4 A No.

5 Q Is there a kitchen in the church?

6 A Yeah. We have one off from the business
7 office.

8 Q Where is that?

9 A It's like off from the business office.
10 Well, it's like when you come in -- you come in and
11 there is a little foyer, then there's the business
12 office, then you go through the social hall and then
13 you go straight back to the kitchen.

14 Q Okay. And does that have a stove in it?

15 A Yes.

16 Q And are there any other appliances in
17 there? A refrigerator?

18 A Yes. A warmer --

19 Q And where is the door to the basement
20 located in the church? Is it in the front, the back?

21 A I'm not too sure about that. I think if
22 you went -- once you come in, I think if you went

1 through the side door here -- you know, like when
2 you're in the hallway, I think you go down the steps.
3 So, I -- but you probably could enter it from other
4 ways, too.

5 Q So, if you're not even sure where the --
6 so, you're not sure exactly where it's located?

7 A I know you can go that way to the
8 basement --

9 Q Okay.

10 A -- from my office -- I mean right across
11 from my office. I don't really deal with the
12 basement.

13 Q Okay.

14 A I'm just a secretary, so...

15 Q And the -- so, if a Peoples Gas employee
16 came to read the meter, you would not know where it
17 was at to show them?

18 A I would refer them to the maintenance or I
19 would refer them to one of the deacons.

20 Q Okay. What are the hours of your
21 maintenance personnel?

22 A Eight to four.

1 Q And how many people?

2 A Two.

3 Q Two? And where would they be located?

4 Would you have to find them?

5 A We have walkie-talkies.

6 Q Okay.

7 A I can get them whenever I want.

8 Q Okay. And what are the hours of the deacon

9 (sic)?

10 A The deacons, they're in and out all day.

11 Usually they're there around 8:30 or 9:00. And they

12 can stay as late as one, two. And after that

13 Reverend Jackson is always on the premises.

14 Q Okay. But the deacons are not constantly

15 at the church?

16 A Yeah. They're there every day.

17 Q But do they leave during the day at all?

18 A Yeah, they leave during the day. But if

19 they did leave, Reverend Jackson is there and he

20 knows the building.

21 Q Okay. At the times that the church is not

22 open to the public, are the doors kept locked?

1 A Yes.

2 Q Do you know if the basement door is kept
3 locked?

4 A Yes.

5 Q During the day at all times or --

6 A It should be locked at all times.

7 Q So, even when the church is open the
8 basement door is locked?

9 A Yes, it's locked. You have to have a key
10 to get in it.

11 Q Okay. And did Mr. Holt, the man who fixed
12 the boiler, did he ever come to you to be let into
13 the basement?

14 A Yes.

15 Q And approximately how many times?

16 A I don't -- I didn't count them. So,
17 I've -- to be perfectly honest, I did not count them.
18 So, I don't know how many.

19 Q Okay. Did you show him to the basement?

20 A No. I never do that.

21 Q Okay. Who did you --

22 A I refer him to the maintenance or the

1 deacons. If the deacons have left the premises and
2 if the guys are gone to lunch or whatever, I get
3 Reverend Jackson.

4 Q Okay. And on those occasions that Mr. Holt
5 came to look at the boiler, did he ever tell you that
6 there was a gas leak?

7 A He wouldn't tell me that.

8 Q Who would he tell?

9 A He would tell Reverend Jackson or the
10 deacons. I'm just a secretary. That's not a part of
11 my job.

12 Q Were you aware of any gas leak?

13 A I was aware of that and told we did have
14 them.

15 Q Who made you aware of that?

16 A The deacons, the pastor.

17 Q Did you make any reports of this?

18 A When you say "reports" --

19 Q Did you ever write down anywhere that there
20 was a gas leak?

21 A That would not have been something that I
22 would have done. That would have been the deacons.

1 Q Did you ever call Peoples Gas to report a
2 gas leak?

3 A I never had to call them. The deacons
4 would have had to have done that. That's a part of
5 their job.

6 Q Okay. And did you review the deacons
7 records regarding these leaks?

8 A If the deacons brought me information, it
9 went into our files.

10 Q Okay. And during -- between approximately
11 2001, 2002, you were -- were you doing any kind of
12 construction or anything on the church?

13 A The renovation has been going on for a
14 while.

15 Q Okay. And the boilers were replaced during
16 that time; correct?

17 A I don't have the actual date that they were
18 replaced, but I know it's been recently or about a --

19 Q Okay.

20 A -- year or two or whatever.

21 Q Do you know if any piping was replaced or
22 changed?

1 A I would have to go to those records to see
2 what was actually done. Because I don't have
3 anything to do with that, normally what I do is: I
4 file it. I don't necessarily read it.

5 Q Okay. And during the period from
6 October 2001 to October 2002, Mr. Holt was not a
7 regular maintenance man for the boiler?

8 A October -- what was it that you said?

9 Q October 2001 to 2002 or any time between
10 2001 and 2002?

11 A I can't answer for 2001 because I was not
12 there.

13 Q Okay. How about 2002?

14 A And your question again?

15 Q Mr. Holt was not the regular
16 maintenance -- the man -- he was not the regular
17 person who maintained the boilers?

18 A I'm not sure about that. I'd have to look
19 at my paperwork.

20 MS. HOCHHAUSEN: No further questions. Thank
21 you.

22 JUDGE DOLAN: Any re- -- any redirect?

1 MR. SMITH: Let me see.

2 REDIRECT EXAMINATION

3 BY

4 MR. SMITH:

5 Q If someone brought to the attention that

6 there was a gas leak, that was outside of the scope

7 of your job?

8 A Right. That should go to the deacons.

9 Q Go to the deacon or would --

10 A Or Reverend Jackson.

11 Q Or Reverend Jackson. Okay. In the year of

12 2002 -- January 1 to December 31, 2002, just based on

13 your recollection, how many times do you recall

14 Peoples Gas coming out to read the meter?

15 A I can't answer for January 2002 because I

16 didn't start until March of 2002.

17 Q Okay. From March of 2002?

18 A To be perfectly honest, I really couldn't

19 really really say. I don't -- I do remember a few

20 times, but I really couldn't say just how many.

21 Q Okay. That's good enough.

22 MR. SMITH: No further questions.

1 JUDGE DOLAN: Any recross?

2 MS. HOCHHAUSEN: Yes, please.

3 RECROSS-EXAMINATION

4 BY

5 MS. HOCHHAUSEN:

6 Q You said that you normally would not deal
7 with a gas leak, that you would refer it to the
8 deacon?

9 A Or Reverend, correct.

10 Q So, three people could possibly have dealt
11 with a potential gas leak at the church?

12 A I wouldn't just say three people because we
13 have different deacons that come. We have a whole
14 deacon board.

15 Q So, it would be up to -- approximately how
16 many people would know?

17 A It depends on what information is given.
18 We have two deacons come every day -- every day.

19 Q But you would -- but if there was a report
20 of a gas leak, you would take -- you would tell the
21 deacons -- one of the deacons that was present?

22 A Well, I don't understand when you say "if

1 there is a gas leak, I would tell them".

2 Q If someone reported to you that there was a
3 gas leak or if you detected a gas leak --

4 A Uh-huh.

5 Q -- you said you would not call Peoples Gas;
6 right?

7 A If you -- if the deacon told me -- if
8 someone told me it was a gas leak and it wasn't a
9 deacon around, yes, I would call Peoples Gas. But
10 I'm saying that's not normal a part of my job because
11 they are there. They are there when I'm there. So,
12 if I'm there at eight in the morning, they're usually
13 there around 8:30 or 9:00.

14 Q So, if there was an emergency, you would
15 call?

16 A If it was an emergency and they weren't
17 there, yes, I would.

18 Q But if there was an emergency and they were
19 there, you would go to them?

20 A If there was an emergency with the gas,
21 they would have to tell me that it's there. And then
22 if they wanted me to call, yes, then I would call for

1 them. But it's their job to do it.

2 Q Okay. But you, yourself, have not called
3 about a gas leak?

4 A I've never called about a gas leak.

5 MS. HOCHHAUSEN: No further questions.

6 JUDGE DOLAN: Anything else?

7 MR. SMITH: No.

8 JUDGE DOLAN: All right, ma'am, you're excused.

9 MR. SMITH: Can we go off the record for a
10 second?

11 JUDGE DOLAN: Yes. Off the record.

12 (Discussion off the record.)

13 JUDGE DOLAN: Sir, would you please identify
14 yourself for the record.

15 THE WITNESS: I am Reverend Joseph Jackson,
16 pastor of Mt. Pisgah.

17 JUDGE DOLAN: Will you please raise your right
18 hand.

19 (Witness sworn.)

20 JUDGE DOLAN: Go ahead counsel.

21

22

1 REVEREND JOSEPH JACKSON,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:
4 DIRECT EXAMINATION
5 BY
6 MR. SMITH:
7 Q Reverend Jackson, I'm going to ask if I ask
8 you a question, give me an audible answer. No hand
9 gestures because it's being taped. I want to make
10 sure we have a clear record, okay?
11 A Sure.
12 Q Please state your name for the record.
13 A Joseph Jackson.
14 Q And what is your professional title?
15 A I'm the pastor of Mt. Pisgah Missionary
16 Baptist Church.
17 Q Okay. And about how long have you been the
18 pastor of Mt. Pisgah Missionary Baptist Church?
19 A A little over nine years.
20 Q A little over nine years? Okay. And what
21 is your day-to-day duties as pastor of the Mt. Pisgah
22 Missionary Baptist Church?

1 A I am the ex officio of all operations of
2 the church.

3 Q Oh, okay. And what times are you usually
4 at the church?

5 A Normally between 7:00 a.m. till 5:00, 6:00,
6 7:00 and many times over that. So, I'm normally
7 there seven days a week between the hours
8 of -- between 7:00 or 8:00 and 6:00 and 7:00 to 9:00
9 at night.

10 Q Okay. Do you have access to the basement
11 where the boiler room is located?

12 A Yes.

13 Q Okay. Other than you, who else have (sic)
14 access to that room?

15 A Our officers and maintenance group.

16 Q Okay. Did you or someone from the church
17 have a problem with any billing from Peoples Gas?

18 A Yes.

19 Q What was your problem or concern?

20 A The -- that the estimated billing for two
21 years back was, in my eyes, unnecessary and
22 excessive.

1 Q Excessive? Okay. Did you or anyone from
2 the church contact Peoples Gas to request actual
3 bills?

4 A Yes.

5 Q Okay. Has it ever been brought to your
6 attention that there may have been a gas leak --

7 A Yes.

8 Q -- at the -- in the boiler room?

9 A Yes. It was brought to my attention that
10 once prior to the leak being fixed by -- installing a
11 new meter and piping. And also three weeks ago
12 Peoples Gas had to be called out to fix a leak at the
13 same location.

14 Q Do you recall what year that was?

15 A Let me see -- 2003, 2001 and three weeks
16 ago. So, it's been three times to my knowledge.

17 Q Three times to your knowledge? Okay. So,
18 whenever there was a leak, it was brought to your
19 attention by someone else? You didn't actually smell
20 it yourself?

21 A I smelled one.

22 Q Okay. What year was that? Do you recall?

1 A That was three weeks ago.

2 Q Three weeks ago? Okay. And what did you
3 do?

4 MS. WEATHERSBY: Objection. It's beyond the
5 scope of this case. 2005?

6 JUDGE DOLAN: Well, three weeks ago would have
7 been 2004.

8 MS. WEATHERSBY: Yeah, okay.

9 JUDGE DOLAN: But he's just testifying about
10 what his procedure was. I don't think -- it's not
11 going to be relevant for the case.

12 MR. SMITH: Right.

13 JUDGE DOLAN: So, I'll allow it.

14 BY THE WITNESS:

15 A Well, if there was a gas leak and I was not
16 aware of it, officers are accessible -- or rather the
17 room is accessible to the officers who would in turn
18 do it if I'm not available.

19 Q Okay.

20 A So, either they alert me to the situation
21 or I find it myself.

22 Q Okay. The room where the boiler is, can

1 you describe the insul- -- I mean, what type of
2 ventilation does it have.

3 A There's a perforated window at the top of
4 the room that was installed to allow for ventilation
5 because of the boiler room's usage of gas.

6 Q Okay. So, it's well ventilated?

7 A Oh, yes, well ventilated, plus we have
8 other airways that are throughout the basement -- the
9 adjoining room and, you know, airflow that comes
10 through the basement through other airways.

11 Q Okay. So, it's your testimony that if you
12 were informed of a leak, then someone would contact
13 Peoples Gas?

14 A Yes, if it was discovered.

15 Q What was your problem with the bills you
16 received? Were they lower than what you expected or
17 higher?

18 A Much higher.

19 Q Much higher?

20 A Much higher.

21 Q Okay. And you've been pastor for nine
22 years?

1 A Yes, a little over nine years.

2 Q Okay. And you would -- did you have access
3 to seeing the bills from Peoples Gas when they
4 came -- or the records?

5 A Yes.

6 Q Okay. So, based upon your experience and
7 being the pastor for nine years and being the
8 overseer, you have an idea as to -- based upon past
9 experience, an estimate how much the bill should be
10 on a monthly basis based upon the weather conditions?

11 A Yes.

12 Q Were you ever made aware that Peoples Gas
13 had to increase the gas pressure?

14 A Yes.

15 Q Who made you aware of that and when?

16 A The technician requested it.

17 Q Okay. Do you know why he requested it?

18 A He said he wasn't getting adequate gas
19 pressure into the boiler.

20 Q Into the boiler?

21 A Right.

22 Q And where -- do you know where the gas

1 pressure comes from?

2 A That I know of, the meter.

3 Q Okay.

4 A The meter area.

5 Q Okay. How -- do you know how readings are

6 done at the church now?

7 A Well, to my knowledge, they're being read

8 by Peoples Gas remotely.

9 Q Okay. Do you know when that started?

10 A Not exactly, no.

11 MR. SMITH: No further questions.

12 JUDGE DOLAN: Cross-examination?

13 CROSS-EXAMINATION

14 BY

15 MS. HOCHHAUSEN:

16 Q You said you arrive at the church

17 approximately 7:00 in the morning and you stay until

18 5:00 or 6:00 at night; correct?

19 A Yes.

20 Q And during that time period, are you at the

21 church the entire time?

22 A Well, except for lunch or occasional

1 funerals, occasional visiting sick in the hospital.

2 Other than that, I'm there.

3 Q Approximately -- during the week, how many
4 times would you maybe have something like that?

5 A That varies. It normally doesn't happen
6 every week.

7 Q Okay. How about like throughout the year?
8 Can you give any estimate?

9 A Throughout the year I do ten funerals the
10 whole year.

11 Q Okay. And the basement is -- where is the
12 basement located in the church?

13 A The basement -- well, they're -- there are
14 three.

15 Q Like the door to get to the basement.

16 A There are three doors, three accesses to
17 the basement. There is a subbasement and basement
18 and another basement.

19 Q Where the boiler are located?

20 A You mean where the boiler are?

21 Q Yeah.

22 A Okay. The boiler is located in the center

1 section of the complex.

2 Q Okay. Well, how would you get there?

3 A You would -- you would -- you can get there
4 three different ways.

5 Q Which way -- if a person came to read the
6 meter, where would you take the Peoples Gas employee
7 to read the meter?

8 A Well, we would take them one of two ways,
9 I'm saying.

10 Q Could you please tell me one way and
11 then --

12 A Okay. We take them either through the
13 basement of the educational building and walk them
14 over or we take them through the sanctuary entrance
15 and walk them down.

16 Q Okay.

17 A Okay.

18 Q So, if a Peoples Gas employee came to read
19 the meter, they would need someone to show them where
20 to go; correct?

21 A Oh, yes. They would have to have someone
22 take them.

1 Q Okay. And you said you've smelled just one
2 gas leak; correct?

3 A Yes.

4 Q You have a baptismal in your basement?

5 A Yes.

6 Q And, so, you do baptisms in the basement?

7 A Oh, yes.

8 Q How frequently do you have baptisms?

9 A Three times a year.

10 Q And approximately how many people would be
11 present at those baptisms?

12 A As many as 30 people.

13 Q Okay. And when they -- during any of those
14 baptisms, have you ever smelled a gas leak?

15 A Oh, no. It's nowhere near where the gas
16 leak is.

17 Q And when you smelled the gas leak,
18 who -- did you notify Peoples Gas?

19 A Oh, definitely.

20 Q And on the other occasions where there were
21 the alleged gas leaks, who contacted -- did anyone
22 contact Peoples Gas?

1 A To my knowledge, an officer of the church.

2 Q And who would that be? How many officers
3 of the church are there?

4 A Well, there are 22 officers that we have
5 now, but they've changed over the years. For the
6 nine years I've been there, you know, we've changed
7 quite a few officers. So, it wouldn't be known
8 exactly who was there at the time.

9 Q Okay. Do you know any of the dates of
10 those gas leaks?

11 A No. I only know that there was a reported
12 gas leak 2001, 2003 and the gas leak three weeks ago.

13 Q Okay. And did you ever review any records
14 of any gas leaks?

15 A Myself?

16 Q Yes.

17 A Yes.

18 Q What records did you review?

19 A I reviewed the record that was brought to
20 my attention at the prehearing.

21 Q But no one actually gave you, like,
22 a -- whoever detected the gas leak, no one gave you

1 their written report regarding the gas leak?

2 A Oh, no. No. No, not a personal report.

3 Q And were you ever aware of the locations of

4 those leaks?

5 A Yes.

6 Q The specific locations you're aware of?

7 A Yes, at the meter.

8 Q Could you tell me the one in 2001, where

9 the leak was?

10 A That -- now, that one, I couldn't tell you.

11 Q How about the one in 2003?

12 A 2003, at the meter.

13 Q And who made you aware of that?

14 A The gas company.

15 Q The gas company --

16 A When the gas company came out to check the

17 pressure, they found the leaks.

18 Q Okay. And the one in 2004?

19 A I found it.

20 Q Okay. And where did you find that one?

21 A At the meter. Because after the leak was

22 found in 2003 --

1 MS. WEATHERSBY: Objection, your Honor.
2 There's no question that's pending.
3 THE WITNESS: Oh, I'm sorry. No problem.
4 BY MS. HOCHHAUSEN:
5 Q Mr. Holt, your boiler technician --
6 A Yes.
7 Q -- did he ever make you aware of any gas
8 leaks?
9 A No.
10 Q Are you aware of how the gas pressure would
11 affect the amount of gas that would be read through
12 the meter?
13 A Only by the word of the technician --
14 Q Okay.
15 A -- because they requested -- they requested
16 that Peoples Gas come out and check the pressure.
17 Q And could you tell me who this technician
18 was?
19 A Mr. Holt.
20 Q Okay. And on what date did he tell you
21 this?
22 A When he was installing the furnace.

1 Q And when did he -- do you recall when he
2 installed the furnace?

3 A Not exactly -- 2002 -- what -- three -- I
4 don't remember. It was like crossover in December to
5 January, something like that.

6 Q So, between -- approximately the end of
7 2002 beginning of 2003?

8 A I can't say exactly. It's -- I would have
9 to go back and find the records when that boiler was
10 installed because when the boiler was installed is
11 when the gas leak was detected, is when the
12 pressure -- is when the off pressure was detected,
13 Peoples Gas was called out, they found the leak, they
14 changed the meter and the piping to the meter at that
15 time. But I can't give you specific dates.

16 Q Okay. Did you bring any records of any
17 repairs or any of these (sic) leaks with you today?

18 A No.

19 Q And do you have -- know of any actual reads
20 that were taken of the meter?

21 A Do I know of any actual readings?

22 Q Yes.

1 A I don't personally know.

2 Q Do you know who has the knowledge at
3 your -- at the church -- you know, officer -- you've
4 said officers have information, you said that the
5 deacon or the secretary -- who would keep records --

6 A The secretary.

7 Q -- regarding a gas leak?

8 A The secretary would keep the records
9 regarding a gas leak, but when -- for instance, when
10 Peoples Gas just came out three weeks ago --

11 MS. WEATHERSBY: Objection, your Honor.

12 JUDGE DOLAN: Sustained. There's no question
13 pending, sir.

14 MS. HOCHHAUSEN: No further questions.

15 JUDGE DOLAN: Mr. Smith, redirect?

16 MR. SMITH: Yeah, just a few questions.

17 REDIRECT EXAMINATION

18 BY

19 MR. SMITH:

20 Q You mentioned earlier that since your
21 tenure of being there for nine years, there's been 22
22 officers, give or take; is that correct?

1 A Correct.

2 Q And in your experience, have there been
3 times when information may have been given to an
4 officer that wasn't given to someone else?

5 A Certainly.

6 Q Okay. Did Mr. Holt work for a company
7 called Reiter Heating before?

8 A Yes.

9 Q Okay. And other than Mr. Holt, has any
10 other technicians from Reiter Heating been there
11 before? Or any --

12 A Say that again.

13 Q Let me restate that -- strike that.

14 Let me restate the question. Mr. Holt
15 was formerly with Reiter Heating?

16 A Yes.

17 Q Okay. Other than Mr. Holt, who was a
18 former employee of Reiter Heating, has any other
19 employees from Reiter Heating been to the church? If
20 you don't understand --

21 A Since before -- I'm trying to --

22 Q Let's -- I'm sorry I'm confusing you.

1 A We've had other technicians at Mt. Pisgah
2 prior to Reiter Heating, if you mean that.

3 Q Okay.

4 A Or if you meant since --

5 JUDGE DOLAN: No question pending.

6 Q No question -- other than Mr. Holt, has any
7 other technician informed you of a gas leak before?

8 A Not of a gas leak, but gas pressure
9 problems, yes.

10 Q Okay.

11 MR. SMITH: No further questions.

12 JUDGE DOLAN: Recross?

13 MS. HOCHHAUSEN: Yes.

14 RE CROSS-EXAMINATION

15 BY

16 MS. HOCHHAUSEN:

17 Q You would agree that the price of gas goes
18 up every year; correct?

19 A Yes.

20 Q So, if you use the same amount of gas every
21 year and the price increased, the cost -- your bill
22 would increase?

1 A That's understood.

2 MS. HOCHHAUSEN: No further questions.

3 JUDGE DOLAN: Anything else?

4 (No response.)

5 JUDGE DOLAN: All right. Thank you, sir. All

6 right. We'll take a recess. It's 10 after 12. How

7 about 1:00 we'll start again.

8 (Recess taken.)

9 JUDGE DOLAN: Mr. Smith, do you have any more

10 witnesses?

11 MR. SMITH: No.

12 MS. HOCHHAUSEN: I'd like to call my first

13 witness, Kevin Rice.

14 JUDGE DOLAN: All right. Sir, would you please

15 state your name for the record.

16 THE WITNESS: Kevin Rice.

17 JUDGE DOLAN: Would you raise your right hand,

18 please.

19 (Witness sworn.)

20

21

22

1 KEVIN RICE,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:
4 DIRECT EXAMINATION
5 BY
6 MS. HOCHHAUSEN:
7 Q Good afternoon, Mr. Rice. Where do you
8 work?
9 A Peoples Energy.
10 Q And how long have you been employed there?
11 A 25 years.
12 Q And what's your position at Peoples Energy?
13 A Field Service Supervisor.
14 Q And how long have you been a field service
15 supervisor?
16 A About eight years.
17 Q Could you tell me, generally, what that
18 department does?
19 A Basically turn on gas, leak investigations,
20 cutoffs. It's field service operation.
21 Q And approximately how many people do you
22 supervise?

1 A Roughly 50 people.

2 Q Okay. And as a field service supervisor,
3 are you familiar with the service and maintenance
4 orders of Peoples Gas?

5 A Yes, I am.

6 Q Is it within your job duties to create
7 those service and maintenance orders?

8 A Yes.

9 Q I'd like to turn your attention to certain
10 gas leaks that were allegedly found at Mt. Pisgah
11 Missionary Baptist Church?

12 MR. SMITH: I'm going to make an objection of
13 this witness. I'm going through my list and I
14 don't --

15 MS. HOCHHAUSEN: I provided to you a list that
16 I would have an expert testify regarding leaks and
17 also regarding the meter records. I did not provide
18 a specific name at the time I disclosed it because I
19 didn't have a specific witness yet. I believe I do
20 have -- I disclosed those way back in November.

21 JUDGE DOLAN: As a possible Peoples Gas service
22 supervisor on your letter dated November 12th?

1 MS. HOCHHAUSEN: (Nodding.)

2 JUDGE DOLAN: So, I'll overrule that objection.
3 Go ahead and proceed, Counsel.

4 BY MS. HOCHHAUSEN:

5 Q Okay. I'd like to first ask you, is there
6 any process or procedure that Peoples Gas uses to
7 ensure that customers can detect a gas leak?

8 A Yes. There's an odor added to the natural
9 gas so it'll be detected to the (sic) sense of smell.

10 Q And, so, would a normal person be able to
11 smell that?

12 A That's -- yes.

13 MR. SMITH: Objection. No foundation has been
14 laid as he's an expert in this area. I mean, how
15 does a layperson detect there's odor in it. I mean,
16 she's just jumping right into it with no foundation.
17 I mean, he's a field supervisor, but he's not an
18 expert in whether a layperson has the ability to
19 detect a gas leak.

20 JUDGE DOLAN: All right. Well, Counsel, go
21 ahead. And if you want to --

22 MS. WEATHERSBY: I just want to add also that

1 he's a 25 year employee. He is qualified to testify
2 as to the odorant that is detectable by the human
3 nose and that anyone smelling that can smell it.
4 And, so, I think he is qualified to speak to
5 that -- speak to that point. You don't have to be an
6 expert. He simply said the company adds an odorant.

7 JUDGE DOLAN: I'm going to overrule it,
8 Counsel, and just let her go ahead and proceed.

9 BY MS. HOCHHAUSEN:

10 Q Okay. And in your job, do you have to
11 input service orders?

12 A Yes, I do.

13 Q In order to -- and once those service
14 orders are put in the system, then what happens?

15 A The orders are routed and dispatched to
16 field service employees.

17 Q Okay. And if there's an order regarding a
18 leak, how soon would that be repaired?

19 A It should be repaired the same day.

20 Q And are all leaks treated equal?

21 A Yes, they are.

22 Q Is -- what happens if a leak can't be

1 repaired on the same day?

2 A We apply a temporary repair.

3 Q And then after that, would you come back in
4 and permanently repair it?

5 A The following day.

6 (Whereupon, Respondent's Exhibit
7 No. 13 was marked for
8 identification as of this
9 date.)

10 BY MS. HOCHHAUSEN:

11 Q Okay. I'm handing you what's been marked
12 as Respondent's Exhibit 13.

13 MR. SMITH: Were these documents provided to
14 me?

15 MS. HOCHHAUSEN: You have all of the documents
16 that are -- were provided to you during discovery.

17 MS. WEATHERSBY: For the record, was there an
18 order that barred us from using demonstrative or
19 other evidence that wasn't provided in advance?

20 MR. SMITH: It has to be provided seven days in
21 advance.

22 MS. WEATHERSBY: Counsel, can you show me that

1 order because I wasn't aware of that.

2 MR. SMITH: Sure. It may be in my stack, but I
3 don't recall seeing that.

4 JUDGE DOLAN: Counsel, just for your -- if you
5 look at this November 11th -- or November 12th
6 letter, that Greta (sic) sent, it says right on it
7 per parties agreement to do so one week before trial.

8 MS. WEATHERSBY: Okay. We can move on without
9 that exhibit.

10 MR. SMITH: I think I'm going to object to that
11 document as evidence.

12 MS. WEATHERSBY: It's a demonstrative aid.

13 MS. HOCHHAUSEN: That's okay. I don't need to
14 use it.

15 MS. WEATHERSBY: Thank you, your Honor.

16 BY MS. HOCHHAUSEN:

17 Q Okay. Is there anything as part of the
18 meter that's called a pump?

19 A No, there isn't.

20 Q When Mr. Holt referred to a pump, do you
21 have any idea what he was referring to?

22 A It's a valve -- a gas valve -- a shut-off

1 valve.

2 Q Okay. And what does that gas shut-off
3 valve do?

4 A It turns on and turns off the gas.

5 Q Where is that valve located?

6 A Before the meter.

7 Q So, if there was a leak at that valve,
8 would it have any effect on the amount of gas that is
9 read through the meter?

10 A No, it would not.

11 (Whereupon, Respondent's Group
12 Exhibit No. 6 was marked for
13 identification as of this
14 date.)

15 BY MS. HOCHHAUSEN:

16 Q I'm going to hand to you what's been
17 previously marked as Respondent's Group Exhibit 6.

18 MS. HOCHHAUSEN: These have all been produced
19 to you.

20 MR. SMITH: All right.

21 BY MS. HOCHHAUSEN:

22 Q Could you please tell me what these

1 documents are?

2 A These are leak investigation reports.

3 Q Okay. And was this record made by a person
4 with knowledge of or made from information
5 transmitted by a person with knowledge of the acts
6 appearing on it?

7 A Yes, it is. This is the service -- actual
8 serviceman that was out at the site.

9 Q Okay. Was the record made at or near the
10 time of the acts and events appearing on it?

11 A After.

12 Q And is it in the regular practice of
13 Peoples Gas to make such a record?

14 A Yes, it is.

15 Q Was that record kept in the course of
16 regularly conducted business?

17 A Yes, it is.

18 Q I'd like you to look at page one. Could
19 you explain to me what is indicated on that service
20 order?

21 A Yes, I can. This is the serviceman report
22 of his findings. It states that he made a permanent

1 repair at a 4-inch plug valve. The plug valve would
2 be -- as I referred to as the shut-off valve.

3 Q Okay.

4 A It had a 4-inch upstream of the gas
5 meter -- left okay. Left the boiler on okay. The
6 contractor is to run a vent line to the Maxitrol to
7 the outside.

8 JUDGE DOLAN: Is that -- for the record, it
9 says here M-a-x-t-r-o-l, but you're sounding like
10 you're saying Maxitrel (sic) with an "I."

11 THE WITNESS: It's missing an "I."

12 JUDGE DOLAN: There should be an "I"? Okay.
13 M-a-x-i-t-r-o-l.

14 THE WITNESS: Excuse me.

15 BY MS. HOCHHAUSEN:

16 Q Could you explain to me what a 4-inch plug
17 is?

18 A That's referring to the actual shut-off
19 valve. That's four inches in diameter -- the pipe
20 size.

21 Q And you said that valve is before the
22 meter?

1 A That's correct.

2 Q Is that what upstream -- what does upstream
3 of the meter mean?

4 A Upstream is all the piping and equipment
5 before the meter. Downstream will be all the piping
6 and equipment on the opposite side, downstream after
7 the gas meter.

8 Q Okay. And based on your experience, what
9 would cause a leak of that type?

10 A This is a manual operated valve. There's
11 lubricant inside of the valve. On situations where
12 the lubricant is dried up, it would produce a gas
13 leak.

14 Q And did Peoples Gas repair the leak on that
15 day?

16 A Yes, we did.

17 Q And how do you confirm that a repair was
18 made?

19 A By the employee's report.

20 Q And does Peoples Gas test to see that the
21 leak was properly repaired?

22 A The serviceman on site would.

1 Q And how do you do that?

2 A We have a soap compound -- solution that we
3 apply.

4 Q And what -- what does that do?

5 A Well, it would actually bubble if there's a
6 leak present.

7 Q Okay. So, that test would have been done
8 at this time?

9 A Yes --

10 Q And --

11 A -- to confirm -- excuse me.

12 Q Okay.

13 A Yes, it would.

14 Q And is the (sic) standard procedure for --
15 after each repair?

16 A Yes, it is.

17 Q And I'd like you to turn to page two and
18 three of Group Exhibit 6. Can you look at page two.
19 What's the dates of this service order?

20 A 9/28/2001.

21 Q Okay. And can you tell what this service
22 order says?

1 A Repaired leak and a 3-inch plug valve.

2 Q And what is a 3-inch plug valve?

3 A It's also a shut-off valve.

4 Q And is this valve also before the meter?

5 A Yes, it is.

6 Q And, so, would this -- any leak at this

7 valve have any effect on the amount of gas that is

8 run through the meter?

9 A No, it would not.

10 Q And was this leak repaired as well?

11 A Yes, it was.

12 Q And was the leak test done in this case as

13 well?

14 A Yes, it was.

15 Q And now turn to pages four and five. And

16 what is the date on this record?

17 A 9/26/2002.

18 Q Okay. And can you tell what this says?

19 A This is a service person's report -- shut

20 off meter, leak at inch and a half shut off on

21 CHP -- central heating plant.

22 Q Could you explain to me what a central

1 heating plant is?

2 A That would be a source of heat for the
3 church -- one source of heat for the church.

4 Q Okay. So, would that mean the boiler in
5 this case?

6 A This would be a forced air unit.

7 Q Could you explain to me what that is?

8 A Well, the boiler is probably a steam heater
9 that supplies hot water that goes throughout the
10 church. A forced air central heating plant is
11 actually when there's a fan installed that pushes the
12 gas up through the duct work -- forced air.

13 Q So, would this be after the meter then?

14 A Yes, this would be an appliance.

15 Q So, this would be Mt. Pisgah's appliance?

16 A That's correct.

17 Q This would not be Peoples Gas' (sic) pipes;
18 correct?

19 A That's correct.

20 Q And is it Peoples Gas' responsibility to
21 fix a customer's appliance?

22 A No, it's not.

1 Q So, any gas leaking as a result of that
2 would not be Peoples Gas' responsibility; correct?

3 A That's correct.

4 Q Okay. Turn to page six. This is the
5 October 2nd, 2002 service order. Could you tell me
6 what this service order indicates, please.

7 A Customer thought gas was turned off at
8 meter. Found meter on and advised customer of same.

9 Q And was the gas turned off at this time?

10 A At -- from based on the report, no, it was
11 not.

12 Q And do we have a record of someone from
13 Peoples Gas turning the meter back on if the customer
14 thought it was off?

15 A No, I don't have that document.

16 Q Do you have any indication that the gas was
17 turned off? Look at page seven as well.

18 A Not by Peoples.

19 Q So, was the gas on or off when a service
20 person arrived?

21 A She found the gas on.

22 Q She found the gas on? Okay. Is there any

1 indication why the customer thought the gas was
2 turned off?

3 A No.

4 Q No. And would this have any bearing on the
5 gas that was being read through the meter? Would
6 this have any bearing on gas usage?

7 A If the gas was off, it would.

8 Q Okay. Were there any leaks reported at
9 this time?

10 A No, there was not.

11 Q Turning to pages eight through ten. Could
12 you tell me what the service order on page nine
13 indicates -- well, actually all three. If you want
14 to just go through page eight first.

15 A Well, I'm going to omit page eight. I
16 can't read this particular document.

17 Q Okay.

18 A Page nine states that this -- it looks like
19 this was actually a -- some type of investigation.
20 This was not for a leak. It states, the meter
21 supplies the heat and hot water for both church and
22 school. And she explained this to the secretary in

1 the office. There was some question what the meter
2 supplies. This had to have been generated from the
3 customer.

4 Q And could you -- at that time what does it
5 indicate that the employee did?

6 A That the boiler system supplied the church
7 and also the school building that was attached to the
8 church.

9 Q Okay. Could you read for me what it says
10 under -- in the remarks box on page nine.

11 A Yes. 713 is the employee number. This
12 meter supplies heat and hot water for both the church
13 and the school. She goes on to explain reading to
14 secretary.

15 Q Okay. So, at that time the employee who
16 took this call explained the reading to the
17 secretary?

18 A That's correct.

19 Q Okay. And were there any reports of a gas
20 leak at that time?

21 A No, there was not.

22 Q Now, turn to page 13, 14 and 15. On page

1 13, what is this service order for?

2 A It looks like to check the meter pressure.

3 Q Okay. And can you tell me what the remarks
4 say for that?

5 A Okay. It says pressure taken at meter
6 inlet and outlet. Meter pressure is six inches on
7 the outlet. The outlet of the meter good. 690 on
8 job.

9 Q Could you explain to me what the meter
10 pressure -- what this indicates?

11 A The company maintains six inches of water
12 column that's gas pressured through our meter to
13 supply the customer's equipment.

14 Q What is the date of that inspection?

15 A It will be December 4th, 2003.

16 Q Why --

17 A The report -- oh, excuse me.

18 Q Why did you take -- or why did the Peoples
19 Gas employee take the pressure of the meter at this
20 time?

21 A Apparently there was some question about
22 the gas pressure through the gas meter.

1 Q What was the result of the gas pressure
2 test?

3 A The gas pressure was at six inches of water
4 column. That's within our guidelines. That's
5 perfect gas pressure.

6 Q So -- so, in December of 2003, the pressure
7 was the correct amount that was required by the ICC?

8 A That's correct.

9 Q So, in -- a couple months prior, then,
10 would you agree that it would have been -- the
11 pressure would have been within the regulations as
12 well?

13 A That's correct.

14 Q In October 2003, it would have been
15 within --

16 A That's.

17 Q -- I mean, October 2002?

18 A That's correct.

19 Q Okay. Can you turn to page 14 then. What
20 is the date on that record?

21 A December 4th, 2003.

22 Q Okay. And can you read -- please read what

1 the remarks say on the December 4th, 2003 record?

2 A Okay. It says leak found at 8-inch nipple
3 before meter. 8-inch nipple from 8-inch 90. 690 on
4 job. Okayed temporary repair on leak. 690 left on
5 job site with contractor.

6 Q So, there -- what is an 8-inch nipple?

7 A That'll be the size of the nipple.

8 Q Can you --

9 A Excuse me -- the size of the gas pipe,
10 excuse me.

11 JUDGE DOLAN: Can I just ask you -- you read
12 8-inch 90 and I see 8-inch ELL.

13 THE WITNESS: I apologize. A 90 and a ELL are
14 the same thing. It's the diameter of the fitting.

15 JUDGE DOLAN: Okay.

16 THE WITNESS: An elbow and a 90 are the same.
17 The terminology is different. I apologize.

18 JUDGE DOLAN: All right.

19 BY MS. HOCHHAUSEN:

20 Q This leak that was found at the 8-inch
21 nipple, where was this -- where would this nipple be
22 located?

1 A Before the meter.

2 Q So, again, this would not have any effect
3 on the amount of gas --

4 A Exactly.

5 Q -- being read? And this is December 4th,
6 2003; correct?

7 A That's correct.

8 Q So, this would be after the October 25th,
9 2002 bill that was issued?

10 A That's correct.

11 Q Were there any other leak records found at
12 the church?

13 A No, there was not.

14 Q So, for all of these leaks that we had, all
15 of the leaks were before the meter; correct?

16 A That's correct.

17 Q And --

18 A Except --

19 Q Except the one?

20 A Excuse me. Except for the one. I'm not
21 sure what page that was on. The inch and a half
22 shut-off valve, that was after the meter.

1 Q That was --

2 A At the --

3 Q That was the customer's appliance; correct?

4 A That's correct.

5 Q So, we have -- Peoples Gas does not have a

6 responsibility to fix that; correct?

7 A That's correct.

8 Q And it would have no effect on the amount

9 of gas being read through the meter?

10 A That would affect the meter.

11 Q Oh, right. But this -- it would be

12 after -- it would not be Peoples Gas responsibility

13 to correct that?

14 A That's correct.

15 Q The valve that you referred to, what color

16 was that?

17 A The inch and a half valve? Excuse me. The

18 valve at the appliance or the valve before the meter?

19 Q The valve before the meter.

20 A The color?

21 Q Yes.

22 A Originally it was red.

1 Q And what color is it now?

2 A I'm not certain. At the time while we were
3 there, the valve was red.

4 Q In your history has -- has that valve ever
5 been called a pump?

6 A No.

7 Q If a leak is found at the company's
8 appliance, what is Peoples Gas' -- what would be your
9 procedure at that time? Would you shut the gas off?

10 A Yes. We would repair the leak at a charge
11 or we would disconnect the unit and shut the gas off
12 and leave it in a safe condition.

13 Q Okay.

14 MS. HOCHHAUSEN: No further questions.

15 JUDGE DOLAN: Cross-examination?

16 MR. SMITH: Yeah.

17 CROSS-EXAMINATION

18 BY

19 MR. SMITH:

20 Q Are you being compensated for your time?

21 A I'm on Peoples Gas salary at this time,
22 yes.

1 Q Okay. Have you ever been to the church at
2 4600 South King Drive?

3 A Yes, I have.

4 Q And when were you there?

5 A I was there in -- December 4th, 2003.

6 Q December 4th, 2003?

7 A That's correct.

8 Q Were you there before then?

9 A There's a good possibility I might have
10 been there. That was in my immediate work area.

11 Q Why were you there on December 4th, 2003?

12 A I was called by a service employee.

13 Q Okay. Why did the service employee feel
14 the need to call a field service supervisor?

15 A I control the repair group also. I'm the
16 supervisor in charge of -- at that time South
17 Service. I control the initial crews that go out and
18 actually do the repair work.

19 Q Uh-huh. How would -- so, you've
20 been -- you were there on 12/4/03? How would you
21 describe the ventilation in that room?

22 A Very well ventilated.

1 Q Very well ventilated? Would you say that
2 it's normal for a layperson to be able to smell a gas
3 leak?

4 A Yes.

5 Q Why?

6 A The odorant is added to the natural gas
7 here for hazard.

8 Q Uh-huh.

9 A So, you can detect it. Basically natural
10 gas is odorless, you can't smell it. So, we apply
11 mercaptan. It's an agent -- odorant that we put in
12 the gas so if there's a leak, basically, your
13 nose -- a common person can pick it up like a pilot
14 going out on a range --

15 Q Uh-huh.

16 A -- you notice the odor and that's what the
17 gas smell is actually. The odorant is what you
18 smell --

19 Q Okay.

20 A -- in that -- in that application.

21 Q What is a gas shut-off valve?

22 A It's a valve that controls the gas flow,

1 whether it be on or off.

2 Q Okay. If there is a leak at the gas
3 shut-off valve, will that affect the meter reading?

4 A I'm going to say, no. It's before the
5 meter. The meter is the registering instrument. The
6 gas is upstream before the meter. It does not pass
7 through the meter to be registered.

8 Q So, the gas that leaks, it's not registered
9 at all?

10 A That's correct.

11 Q Okay. If gas was to leak after the meter,
12 does that register?

13 A Yes, it would. It passes through the gas
14 meter. All gas that's above -- before the meter --

15 Q Uh-huh.

16 A -- is unregistered because the
17 register -- the meter itself is the registering
18 instrument and it measures all the gas that goes
19 through it on the outlet past it downstream of the
20 meter.

21 Q Uh-huh. Were you the one that collected
22 these documents for this meeting?

1 A No, I was not.

2 Q Okay. Did you talk to any of the service
3 people that went out on the service calls?

4 A I did this particular day, yes.

5 Q On 12/4/03?

6 A Yes.

7 Q But you didn't talk to any of the other
8 technicians regarding their notes, other than the one
9 on 12/24 -- 12/4/03?

10 A That's correct. If the repair is made,
11 there's no need to contact me. There's no follow-up.

12 Q Okay. So, your reading of these notes is
13 based upon your perception of what they mean and not
14 any discussions you've had with anyone other than the
15 service person you talked to on 12/4/03?

16 A The service reports, that's correct.

17 Q Okay. On page two of the documents in the
18 notes, it says repair leak at 3-inch plug valve.
19 Whose side of the meter is that on?

20 A The plug valve is going to be before the
21 meter. There's -- a plug valve is a shut-off valve,
22 it controls the gas flow whether it's in the on

1 position or the off position. It's a manually
2 operated valve that you can turn on or turn off the
3 flow of gas -- natural gas through the meter. So, it
4 would be, again, before the meter.

5 Q Before the meter?

6 A Yes.

7 Q Who repaired it? It says repaired leak at
8 3-inch plug valve.

9 A That would be a service field employee from
10 the gas company.

11 Q But wouldn't that be the responsibility of
12 the customer to repair --

13 A No.

14 Q -- if it's before the meter?

15 A No, it's not.

16 Q Can you explain that, please.

17 A Well, at one time any piping to the gas
18 meter within one foot from the front wall was
19 considered gas company responsibility.

20 Q Uh-huh.

21 A That rule has changed from -- you know, at
22 this point. But it's the gas company responsibility

1 to set the meter, any leaks on the meter or before
2 the meters.

3 Q So, it's your responsibility to repair
4 leaks after the meter; is that -- that's correct?

5 A No. Everything upstream of the meter at
6 one time would be the gas company responsibility.

7 Q Okay.

8 A Everything after the meter would be the
9 customer's responsibility.

10 Q Okay.

11 A In this case, the church's responsibility.

12 Q So, on 9/28/01, this 3-inch plug valve was
13 repaired by Peoples Gas?

14 A That's correct.

15 Q And it was your responsibility to repair
16 it?

17 A That's correct.

18 Q Okay. Okay. And, again, maybe I've asked
19 this before, but this 3-inch plug valve, whatever
20 leak it had, you're saying it has no effect on the
21 actual reading or usage of the gas?

22 A That's correct.

1 Q Okay. Let me ask you this question: How
2 do -- it seems like gas can be lost without you
3 knowing about it?

4 A Unfortunately.

5 Q And it seems that there's no record or
6 accountability of that lost gas?

7 A That's correct.

8 Q Would you say that if a service person had
9 come out to read the meter from time to time, that
10 most definitely a service person would have detected
11 if gas was being leaked?

12 A Yes -- or anyone who passed that area.

13 Q Okay. What does it mean when you say the
14 valve before the meter was originally red? What does
15 that mean?

16 A Pardon me?

17 Q Okay. Earlier you said that the valve
18 before the meter was originally red. What does that
19 mean?

20 A I don't recall that statement. A gas valve
21 is just a simple, again, manual shut-off
22 valve -- open and close. There's no reading

1 instrument. There's no registration instrument to a
2 gas valve. It's -- I'll explain it like a shut-off
3 valve behind your gas range.

4 Q Uh-huh.

5 A It's the same principal, just a larger
6 valve.

7 Q What color is it?

8 A The colors can change depending on the
9 manufacturers. Colors change. And it's -- usually
10 we have a 4-inch plug valve that's in (sic)
11 circulation at that time and it is red.

12 Q Okay. And was that valve ever changed to
13 the color gray?

14 A Yes.

15 Q Why?

16 A Depending on the valve size or the
17 manufacturer. Again, we don't implement -- we don't
18 have a color code that we're concerned with as long
19 as it's a legal-coded, gas-operating valve.

20 Q So, the red and the gray are the same
21 size --

22 A Exactly.

1 Q Makes no difference?

2 A A gray could be a 4-inch also. The valve
3 could be -- again, we have no control over the color.
4 It's whatever the manufacturer sends, whatever our
5 purchasing department decides to go with at the time.
6 We have an assortment of red, gray -- depending on
7 different size -- pipe size. The 4-inch is
8 referring -- excuse me, referring to the diameter of
9 the plug valve. So, yes, it could be gray. The one
10 in question is red.

11 Q Okay.

12 JUDGE DOLAN: Let's go off the record for a
13 second.

14 (Discussion off the record.)

15 JUDGE DOLAN: Go ahead.

16 BY MR. SMITH:

17 Q I'm going to show you a document that's
18 already in evidence. I'm going to let you look at
19 this document for a second. It's a -- it's document
20 number one in my list of exhibits.

21 Do you recognize that type of document?

22 A Yes, I do.

1 Q Okay. What is it?

2 A This is a formal tag that they're -- that

3 we discovered the problem, that we referred the

4 customer to an outside agency slash contractor.

5 There was a problem that we discovered and it's more

6 or less a referral to the owner to have some work

7 done --

8 Q Uh-huh.

9 A -- on an appliance.

10 Q Did you turn the gas off?

11 A No, we disconnected the appliance.

12 Q Okay.

13 MR. SMITH: Okay. No further questions.

14 JUDGE DOLAN: Any redirect?

15 MS. HOCHHAUSEN: Yes.

16 REDIRECT EXAMINATION

17 BY

18 MS. HOCHHAUSEN:

19 Q On this warning notice, was there -- does

20 this indicate that there was a problem with the

21 boiler?

22 A Yes.

1 Q And based on your experience, what would
2 cause the problems with the boiler?

3 A High yellow flame, that tells me it's a
4 possibility it needs to be cleaned.

5 Q And would this have any effect on gas
6 consumption?

7 A Yes, it very well may.

8 Q And would it be Peoples Gas' responsibility
9 to make any corrections with this?

10 A No, it's not.

11 Q And what was the date of this order?

12 A Looks like December 4th, 2003.

13 Q So, if the boiler was not -- if there were
14 problems with the boiler as of December 4th, 2003,
15 would it be a correct assumption that there might
16 have been problems with the boiler back in October of
17 2003?

18 A That's correct.

19 Q And possibly October of 2002?

20 A That's correct.

21 Q For clarification purposes, I just want to
22 make it clear for the record where the actual meter

1 is and where the lever is -- or where the valve is in
2 relation to that. When you say "upstream" of the
3 meter versus "downstream" of the meter -- let's say
4 the meter is "B," "C" -- would "C," then, be the
5 church's boiler?

6 A That's correct.

7 Q And "C" would be downstream of the meter?

8 A That's correct.

9 Q Upstream of the meter, then, "A" would be
10 possibly outside piping or piping before the meter?

11 A That's correct.

12 Q Okay. So, the lever is before the meter?

13 A That's correct.

14 Q So, any leak of gas before the meter is not
15 being read through the meter?

16 A It's not being registered.

17 Q Right. So --

18 A That's correct.

19 Q So, it would not affect gas consumption?

20 A Yes. Correct.

21 Q And you said any gas that would be leaking
22 from that would be considered lost gas?

1 A Unfortunately, yes?

2 Q And is a customer charged for lost gas?

3 A No, they're not.

4 Q And there were no leaks after the meter,
5 except for the one leak at the boiler; correct?

6 A I believe that was the central heating
7 appliance, that's correct.

8 Q And that would not be Peoples Gas'
9 responsibility?

10 A That would be "C," that's correct -- after
11 the meter.

12 Q Is that mercaptan odorant -- is that the
13 same odorant that you use on a stove?

14 A Yes, it is.

15 Q So, it's -- go ahead.

16 A It's actually applied in your pumping
17 stations or underground. That -- it's added to the
18 gas -- again, natural gas is odorless. We have to
19 apply an odorant to it in order to send out a red
20 flag so you would smell it. Basically, natural gas
21 if it was leaking in, you would have no idea unless
22 an odorant was applied to it to send out a red flag

1 that there is a gas leak.

2 Q And with this odorant applied, then the gas
3 is detectable by smell?

4 A That's correct.

5 Q So, anyone that would be in or near the
6 basement, would it be safe to say that they would be
7 able to smell a gas leak?

8 A If they're in that area by the meter, yes.

9 MS. HOCHHAUSEN: No further questions.

10 JUDGE DOLAN: Any recross?

11 MR. SMITH: Just a few minor questions.

12 RECROSS-EXAMINATION

13 BY

14 MR. SMITH:

15 Q Do you have any documents or records that
16 basically says that if gas is lost, the customer is
17 not billed for it?

18 A It's -- it's not apparent that we would
19 charge a customer. There's no basis on how to total
20 how much gas was used or lost unless we measure it
21 through some type of measuring instrument. So, I
22 can't answer that. We do not bill customers for gas

1 lost in that case, before -- gas leaks before the
2 meter -- the meter's initial registering device that
3 we use to compile a gas bill.

4 Q So, how do you detect that gas is being
5 lost? By calls from the customer?

6 A Exactly. When you smell gas, you call the
7 gas company. We send out a service department person
8 to do a leak investigation. At that time, we
9 determine where the gas leak is located and whose
10 responsibility it is to repair it or secure it. We
11 leave it in a safe -- a safe situation. Either we
12 discontinue the gas service or shut the gas off to
13 eliminate the leak.

14 Q Okay. You mentioned there was an odorant
15 put in the gas so that it can be detected or smelled?

16 A That's correct.

17 Q So they can detect or smell it?

18 A That's correct.

19 Q Are you aware of any company research that
20 says how often the customer detected versus a
21 third-party repair person?

22 A A third party repair person?

1 Q Like a --

2 A Excuse me.

3 Q -- like a technician?

4 A No, not that I'm aware of.

5 Q It's just what you've been told?

6 A Yeah, basically.

7 MR. SMITH: No further questions.

8 JUDGE DOLAN: Anything else?

9 MS. HOCHHAUSEN: I'd just like to move to enter

10 Group Exhibit 6 and also Group Exhibit 10 into

11 evidence.

12 JUDGE DOLAN: Why don't we just do all the

13 exhibits at the end --

14 MS. HOCHHAUSEN: Okay.

15 JUDGE DOLAN: -- because he has to do his. So,

16 it would kind of be easier to do it all at the end.

17 MS. HOCHHAUSEN: Okay.

18 MS. WEATHERSBY: Sounds good.

19 JUDGE DOLAN: Okay. All right. Sir, you're

20 excused, then.

21 THE WITNESS: Thank you, your Honor.

22 JUDGE DOLAN: Counsel, if you have your next

1 witness.

2 MS. HOCHHAUSEN: Okay.

3 JUDGE DOLAN: Mr. Smith, the reverend can come
4 in if he's there because he's a representative of the
5 complainant.

6 MR. SMITH: Yeah, I think he's -- let me see if
7 he's -- I think he's gone.

8 (Recess taken.)

9 JUDGE DOLAN: Sir, would you please identify
10 yourself for the record.

11 THE WITNESS: My name is Donald Taylor.

12 JUDGE DOLAN: Just -- would you raise your
13 right hand, Mr. Taylor.

14 (Witness sworn.)

15 JUDGE DOLAN: Go ahead and proceed, Counsel.

16 DONALD TAYLOR,
17 called as a witness herein, having been first duly
18 sworn, was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY

21 MS. HOCHHAUSEN:

22 Q Mr. Taylor, where do you work?

1 A I work for Peoples Energy.

2 Q And how long have you been employed with
3 Peoples Energy?

4 A 24 years.

5 Q And what is your position there?

6 A I am supervisor of meter testing and
7 repair.

8 Q What does that position -- what are your
9 responsibilities as that position?

10 A My responsibilities are -- I'm responsible
11 for the day-to-day operations involving meter testing
12 and repair for Peoples Energy as well as for North
13 Shore Gas.

14 Q And are you familiar with the equipment
15 maintenance records of Peoples Gas?

16 A I am.

17 (Whereupon, Respondent's Exhibit
18 No. 9 was marked for
19 identification as of this
20 date.)

21 BY MS. HOCHHAUSEN:

22 Q Okay. I'm handing you what's been marked

1 as Respondent's Exhibit 9.

2 Do you recognize this document?

3 A Yes, I do.

4 Q Can you tell me what this document is?

5 A This document is a test history record of
6 meter number P-1918221.

7 Q And was this record made by a person with
8 knowledge of or made from information transmitted by
9 a person with knowledge of the acts and evidence
10 appearing on it?

11 A That is correct.

12 Q Was the record made at or near the time of
13 the events and acts appearing on it?

14 A That is correct.

15 Q And is it the regular practice of Peoples
16 Gas to make such a record?

17 A That is correct.

18 Q Was the record kept in the course of
19 regularly conducted business?

20 A Yes, it is.

21 Q Could you please tell me the date that this
22 test was done on the first page?

1 A Okay. It looks like on November the 10th,
2 2004, an employee by (sic) Sandra Hoskin who works in
3 meter testing repair -- she works for me. She end
4 tested a meter, number 1918221.

5 Q Okay. So, you're her supervisor?

6 A I am her supervisor.

7 Q Okay. And can you tell me -- so, at this
8 time there was a test of the meter?

9 A Meter number 1918221 was end tested on
10 11/10/2004 and the test record entails an open load
11 and check load test of point two zero, minus point
12 three zero. The difference between those two is a
13 minus point five zero. That's where you see your
14 fast and your slow. And the read quantity is 2474.

15 Q And can you tell me what the -- how -- do
16 you test the meter to ensure it is working properly?

17 A We have equipment that we use that is
18 certified every three years from the manufacturer to
19 prove meters on.

20 MR. SMITH: I'm going to object to the
21 relevancy of this document. I mean, there is nothing
22 on this document that says that this was a meter

1 that's at 4600 South King Drive, that's owned by Mt.
2 Pisgah Missionary Baptist Church.

3 JUDGE DOLAN: I will sustain that objection
4 because he is right about that.

5 MS. HOCHHAUSEN: Well, I could compare it to
6 the bills and it would have the same meter. If you
7 just give me a moment.

8 BY MS. HOCHHAUSEN:

9 Q Here on the October 25th, 2002 bill --

10 MR. SMITH: October 25th, 2002?

11 JUDGE DOLAN: No, I'll just look at these ones
12 here unless they're different.

13 BY MS. HOCHHAUSEN:

14 Q Could you tell me the meter number on the
15 October 25th, 2002 bill?

16 A The meter number is meter number P-1918221.

17 Q And who is the customer of record on this
18 bill?

19 A Mt. Pisgah Baptist.

20 Q Okay. And is that the same meter number as
21 the meter on the equipment maintenance sheet?

22 A That is correct.

1 Q Now, when you tested this meter on
2 11/10/2004, what was (sic) the results of that test?

3 MR. SMITH: Relevancy. It's outside the scope
4 of time. We're not talking about during that time
5 period.

6 MS. HOCHHAUSEN: It's relevant to the fact that
7 it's the same meter and it was working properly.

8 MR. SMITH: A lot could have happened between
9 now and then.

10 JUDGE DOLAN: Why don't you rephrase your
11 question, Counsel, because you asked him about
12 testing and he didn't test it himself.

13 BY MS. HOCHHAUSEN:

14 Q Okay. What does the record show on this
15 equipment's maintenance sheet show regarding this
16 test of the meter on this date, 11/10/2004?

17 A That this particular meter number 1918221
18 tested fine within our parameters.

19 Q What are the ICC parameters for the meter?

20 A Plus or minus four percent.

21 Q And was this within the range?

22 A Well within.

1 Q I'm turning to page two. Can you tell me
2 the date that this record is -- this equipment
3 maintenance form is?

4 A This is a test history record of meter
5 number 1918221 and the test was performed on
6 12/18/2003.

7 Q And what was the results according to this
8 record?

9 A According to this record, your open load
10 was a point one zero. The check test was a minus
11 point one zero. And the test was point zero zero.

12 Q And was this within the ICC requirements?

13 A That is correct.

14 Q So, the meter was working properly?

15 A This meter is fine.

16 Q And going to page three. Can you explain
17 to me the date of this equipment's maintenance form?

18 A This is a test history record of meter
19 number P-1918221, the test performed on December
20 16th, 1997, with test results of minus point four
21 zero, point zero zero. The difference is a minus
22 point two zero along with the index reading.

1 Q And is this within the ICC regulations as
2 well?

3 A That's correct.

4 Q And, so, the meter was working properly at
5 this time also?

6 A That's correct.

7 Q Okay. And is there any indication on this
8 form as to why this meter was tested at this time?

9 JUDGE DOLAN: Where are you at, Counsel?

10 MS. HOCHHAUSEN: On page three, as well.

11 BY MS. HOCHHAUSEN:

12 Q On the equipment maintenance form, what
13 does it show the date for the installation and
14 removal of this meter?

15 A The remove date was on December 4th, 1997.
16 And it was end tested on December 16th, 1997.

17 Q And, so, they removed it and then they
18 tested the meter?

19 A All meters that are removed out of service
20 at Peoples Energy is end tested by meter test and
21 repair.

22 Q Okay. That's standard?

1 A That's standard practice.

2 Q Okay. So, we have a record here of -- that
3 this meter was tested on four different
4 occasions -- the record we just covered?

5 A That's correct.

6 Q On November 10th, 2004, on December 18th,
7 2003 and December 16th, 1997; correct?

8 A That is correct.

9 Q And on each of those occasions, the meter
10 tested well within the ranges of the ICC regulations;
11 correct?

12 A That is correct.

13 MS. HOCHHAUSEN: No further questions.

14 JUDGE DOLAN: Cross-examination?

15 MR. SMITH: Yeah.

16 CROSS-EXAMINATION

17 BY

18 MR. SMITH:

19 Q Mr. Taylor, did you prepare these documents
20 for this hearing on today?

21 A These documents are company records for
22 Peoples Energy.

1 Q So, did you prepare them?

2 A These documents are from our customer
3 information system. No, I didn't prepare those.

4 Q Okay. Did you talk with each individual
5 listed as an employee who went out and tested the
6 meter?

7 A These records -- these end test records are
8 data input entries that are input into the database.

9 Q My question is: Did you talk to these
10 employees that are listed regarding this information?

11 A No.

12 Q Okay. If you look at Exhibit 9, page
13 number one --

14 A Uh-huh.

15 Q -- it says the meter was installed 3/3/1998
16 and removed 12/5/2003; is that correct?

17 A It's install date of 3/3/98 and removed on
18 12/5 of '93 -- I'm sorry -- 2003.

19 Q Is that correct?

20 A That's correct.

21 Q Do you know why the meter was removed?

22 A No. I have no idea.

1 Q Would the company have records as to why
2 the meter was removed?

3 A I'm pretty sure they would.

4 Q Did you bring those records?

5 A I'm not responsible for those records for
6 meter removals. My responsibility is to end test
7 meters for Peoples Energy. We don't get involved
8 with meter removal records.

9 Q Who does that?

10 A I -- that's another department.

11 Q But that department is not here today;
12 right?

13 A No. I'm not responsible for those.

14 Q Okay. Do you see anywhere on these
15 documents where the meter was tested in the year of
16 2000?

17 A No.

18 Q The year 2001?

19 A No.

20 Q 2002?

21 A No, sir.

22 Q And when was it tested in 2003?

1 A 12/18/2003.

2 Q Towards the end of the year?

3 A It was tested -- well, it was removed on

4 12/5/2003 and the meter came to the meter shop and

5 end tested on 12/18/2003.

6 Q So, towards the end of the year; right --

7 the last month of the year it was tested?

8 A About a week after -- two weeks after

9 removal.

10 Q Okay. Would you -- should -- strike it.

11 Does Peoples Gas have records as

12 to -- strike that.

13 How often are meters tested?

14 A We process approximately a hundred -- I

15 would say, 95 thousand meters in meter testing repair

16 a year --

17 Q Uh-huh.

18 A -- new as well as repaired.

19 Q Okay. Let me rephrase my question. How

20 often do you test an (sic) existing customer meters?

21 A Depends on the type of meter it is. On a

22 diaphragm meter, we have what we call a sample change

1 program.

2 Q Uh-huh.

3 A On a rotary meter, they have -- they test
4 meters out in the field or they can request
5 from -- customer having a meter requested to be
6 removed for testing purposes.

7 Q Okay.

8 A But it's -- it's different -- to have
9 meters removed, it can be from different situations.

10 Q Okay. So, do you know why the meter was
11 tested on 11/10/2004?

12 A Why it was tested on 11/10/2004?

13 Q Yes.

14 A I assume that it was removed out of
15 service.

16 Q But you don't know?

17 A Well --

18 Q That's your assumption; right?

19 A Yes.

20 Q Do you know why there was a leak test on
21 3/5/2004?

22 A All meters that are removed out of service,

1 that's the protocol that they go through. You start
2 an end test. Once it gets end tested -- depending on
3 the type of repair that it needs -- it has to have a
4 leak test.

5 Q So, if I understand this correctly, this
6 meter had a leak test on 3/5/2004?

7 A That is correct.

8 Q And then eight months later, you decided to
9 test it again; right?

10 A That is correct.

11 Q But you don't know why? I'm asking do you
12 know why?

13 A No, I don't know.

14 Q Okay. It has leak test 3/5/04, employee
15 unknown. Why would the employee be unknown?

16 A The operator who performed the leak test
17 didn't have an operator number -- or if you look down
18 on the end test on 12/16/1997, that's unknown also.

19 Q Right. So, in actuality, we don't know who
20 performed the test; right?

21 A That is correct. That's correct.

22 Q Is this record reliable to you?

1 A Yes.

2 MS. WEATHERSBY: Objection, your Honor. He's
3 calling for the witness to make a -- I believe -- an
4 improper evidentiary ruling with respect to this
5 record. But certainly he can answer if he thinks the
6 company's records are reliable or not. But I think
7 it's an objectionable question.

8 JUDGE DOLAN: Well, he's basing his testimony
9 on it. So, I guess he can answer.

10 MS. WEATHERSBY: Okay.

11 JUDGE DOLAN: I'm going to overrule.

12 MS. WEATHERSBY: All right.

13 BY THE WITNESS:

14 A These records are reliable.

15 Q If you go to Exhibit No. -- we're still on
16 Exhibit No. 9. Go to page two, please. And, again,
17 12/16/1997, the employee is unknown; right?

18 A That is correct.

19 Q And there's no reflection of any test
20 happening in the year of -- well, all the way from
21 1998 until 2002?

22 A That is correct. Well -- that is correct.

1 Q That's correct? And the test that happened
2 in 2003 was towards the end of the year?

3 A That is correct.

4 Q Okay. If you go to page three of the same
5 exhibit, this is a test for 12/16/1997; right?

6 A That is correct.

7 Q Do the customer (sic) ordinarily ask for a
8 meter to be tested?

9 A It's -- to my knowledge that can be
10 requested from the service to a customer service rep.

11 Q But ordinarily those tests are done by
12 Peoples Gas without a customer's request?

13 A Depends --

14 MS. WEATHERSBY: Objection, your Honor. I feel
15 the question is confusing.

16 MR. SMITH: I'll restate the question.

17 MS. WEATHERSBY: Okay. Great.

18 BY MR. SMITH:

19 Q Anywhere on these documents that we just
20 went over, does it state who requested the test?

21 A No. These documents are test history
22 records.

1 Q Okay. Based upon your professional
2 experience and you being a supervisor, is it normal
3 for the customer to request -- to request the testing
4 of the meter?

5 A Is it normal?

6 Q (Nodding.)

7 A Not unless there is a billing dispute.

8 Q Can the meter be tested simply by a
9 technician coming out to read the meter?

10 A A differential testing can be done.

11 Q By a technician or does it have to be
12 specialized in this area?

13 A Currently that work was performed by meter
14 testing and repair previously. Currently it's done
15 by service department technicians.

16 Q Okay. Is it possible that the meter
17 located at 4600 South King Drive, meter number
18 P-1918221, could have needed -- could have needed to
19 have been tested in 2001 and was not tested?

20 MS. HOCHHAUSEN: Objection. Calls for
21 speculation.

22 MR. SMITH: We've already allowed that type of

1 leeway with --

2 JUDGE DOLAN: I was going to say -- he can
3 answer the question. Go ahead.

4 BY THE WITNESS:

5 A Would you rephrase that again, please.

6 Q Sure. Is it possible that a meter could
7 have been needed (sic) to have been tested in 2001
8 but wasn't tested?

9 A I would not have any knowledge of that.

10 Q Who determines when it's tested?

11 A (No response.)

12 Q Who determines when the meter is tested?

13 A All out of service meters are to be tested
14 by meter testing repair.

15 Q What do you mean by "out of service"
16 meters?

17 A Any meter that is removed from a customer's
18 premise for various reasons is tested by meter
19 testing repair.

20 Q So, you don't test it until it's removed?

21 A That's correct -- in my division.

22 MR. SMITH: No further questions.

1 JUDGE DOLAN: Redirect?

2 MS. HOCHHAUSEN: Yes.

3 REDIRECT EXAMINATION

4 BY

5 MS. HOCHHAUSEN:

6 Q Turning to the Group Exhibit 9, can you

7 turn to page four. Can you please tell me the date

8 of this record?

9 A The date of this record is 11/15/2002.

10 Q And according to this maintenance sheet,

11 what was done on November 15th of 2002?

12 A This sheet is an inspection of meter number

13 1918221, a rotary inspection report.

14 Q And what were the results of that

15 inspection?

16 A Point zero nine.

17 Q And is that within the ICC limits?

18 A That is a differential test of that meter

19 and that is perfect.

20 Q Okay. And, so, that would be one

21 month -- 11/15/2002 is one month after October 25th,

22 2002?

1 A That is correct.

2 Q And the meter was working properly on
3 11/15/2002?

4 A That is correct.

5 Q And can you test a mover -- can you test a
6 meter without removing it?

7 A Depends on the type. This is a rotary
8 meter. This is -- you can do a differential test on
9 a rotary meter and that's what this is.

10 Q Okay. And a differential test is done at
11 the meter?

12 A That is correct.

13 Q Without removing it?

14 A Right. That could be done. We're mandated
15 by the Commerce Commission to go out and test rotary
16 meters every five years.

17 Q Okay. And even after you removed this
18 meter and tested it, it -- the test shows that the
19 meter was working within the ICC limits; correct?

20 A That is correct.

21 Q So, before October 25th, 2002, during that
22 time and after, all the records show that the meter

1 was working within the ICC regulations; correct?

2 A That is correct.

3 MS. HOCHHAUSEN: No further questions.

4 JUDGE DOLAN: Any recross?

5 MR. SMITH: Just briefly.

6 RECROSS-EXAMINATION

7 BY

8 MR. SMITH:

9 Q Did you bring any documents with you to
10 show that the meter was working correctly before
11 October 5th, 2002?

12 A Yeah. On 12/16/1997, that meter was then
13 tested.

14 Q Okay. On 12/16/1997; right? Okay. Do you
15 have anything for the year of 2001?

16 A No, I don't see anything.

17 Q Do you have anything from the period of
18 October 25th, '01 to September 23, '02?

19 A Pardon me?

20 Q Do you have any documents showing that the
21 meter was tested or working fine from the period of
22 10/23/01 to 9/23/02?

1 A No.

2 Q How about from the period of 4/25/01 to
3 9/25/01?

4 A 4/25/01?

5 Q Uh-huh.

6 A No.

7 Q Okay. Do you know why the meter was
8 inspected on November 15th, 2002?

9 MS. HOCHHAUSEN: Objection, your Honor. These
10 questions are the same questions he asked during his
11 initial cross. It's redundant.

12 MR. SMITH: This is related to the document
13 that she just crossed him on, document number four.

14 JUDGE DOLAN: I'm going to overrule this.

15 THE WITNESS: Do you want to rephrase your
16 question again?

17 MR. SMITH: Sure.

18 BY MR. SMITH:

19 Q Do you know why this meter was tested on
20 the inspection date November 15, 2002?

21 A I can make an assumption it was due for
22 it's rotary meter inspection.

1 Q Okay.

2 MR. SMITH: No further questions.

3 JUDGE DOLAN: Anything else?

4 MS. HOCHHAUSEN: I just have one question.

5 FURTHER REDIRECT EXAMINATION

6 BY

7 MS. HOCHHAUSEN:

8 Q On November 15, 2002 when the meter was

9 tested, the results show that -- do the results show

10 that the meter was working properly at that time?

11 A That is correct. The differential test

12 says passed.

13 MS. HOCHHAUSEN: No further questions.

14 JUDGE DOLAN: Anything else, Counsel?

15 (No response.)

16 JUDGE DOLAN: All right, sir. You're excused.

17 I'm going to take one quick break, okay?

18 MS. HOCHHAUSEN: Sure.

19 (Recess taken.)

20 JUDGE DOLAN: Sir, would you please state your

21 name for the record.

22 THE WITNESS: Brian Schmoldt, S-c-h-m-o-l-d-t.

1 JUDGE DOLAN: Please raise your right hand.

2 (Witness sworn.)

3 JUDGE DOLAN: All right, Counsel, proceed.

4 BRIAN SCHMOLDT,

5 called as a witness herein, having been first duly

6 sworn, was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY

9 MS. HOCHHAUSEN:

10 Q Mr. Schmoldt, where are you employed?

11 A Peoples Gas.

12 Q And what is your position with Peoples Gas?

13 A I'm a billing specialist.

14 Q How long have you been working for Peoples
15 Gas as a billing specialist?

16 A Six years.

17 Q And what are your responsibilities as a
18 billing specialist?

19 A To review bills and any complaints with the
20 Illinois Commerce Commission.

21 Q Is it within your responsibility to conduct
22 re-billing of customer's accounts?

1 A Yes.

2 Q And is it your responsibility to explain
3 those re-billings to Peoples Gas' customers?

4 A Yes.

5 Q And does that job involve the maintenance
6 of company records in a computer system?

7 A Yes.

8 Q Have you reviewed the records in this
9 matter -- in the Mt. Pisgah matter?

10 A Yes.

11 (Whereupon, Respondent's Exhibit
12 No. 1 was marked for
13 identification as of this
14 date.)

15 BY MS. HOCHHAUSEN:

16 Q I'm handing you what's been marked
17 previously as Respondent's Exhibit 1.

18 Do you recognize this document?

19 A Yes.

20 Q And can you tell me what this document is?

21 A It's a transcript of the account at
22 Mt. Pisgah.

1 Q Is this document based upon Peoples Gas'
2 records of Mt. Pisgah?

3 A Yes.

4 Q Were those records made by a person with
5 knowledge of or made from information transmitted by
6 a person with knowledge of the acts and events
7 appearing on it?

8 A Yes.

9 Q And were those made at the time of
10 the -- was this record made at the time the acts or
11 events -- was the record -- let me rephrase it.

12 Was -- were the documents that you used
13 to create this record recorded at the time of the
14 acts appearing on them?

15 MR. SMITH: I'm going to object to this
16 document. It was not provided seven days before the
17 hearing. The document that was provided is a
18 document with the date of February 12th, '04. This
19 has November 12th, '04.

20 MS. HOCHHAUSEN: It's the same document. I
21 just reprinted it on that date. It should be the
22 same.

1 MR. SMITH: No, it's not.

2 MS. HOCHHAUSEN: Can I see --

3 MR. SMITH: Sure.

4 MS. HOCHHAUSEN: -- the version that you have.

5 You're looking at the second page. There's -- you

6 have a longer version --

7 MR. SMITH: Okay.

8 MS. HOCHHAUSEN: -- which has now been put into

9 two pages to get it to fit.

10 MR. SMITH: Is the date the same,

11 November 12, '04?

12 MS. HOCHHAUSEN: This says February 12th, '04.

13 MR. SMITH: Right.

14 MS. HOCHHAUSEN: However, if you look at it --

15 MR. SMITH: The dates are different.

16 MS. HOCHHAUSEN: No. You were looking at the

17 first dates.

18 MR. SMITH: Am I?

19 MS. HOCHHAUSEN: The dates are the same and

20 it's been added to at the bottom with more -- the

21 current.

22 MR. SMITH: So, it's not the same document.

1 MS. WEATHERSBY: Does it bring it down to the
2 current date?

3 MS. HOCHHAUSEN: This is 5/28/04. And this
4 adds -- it adds on to it 6/29, 7/28, but we
5 could -- I mean, we don't need those.

6 MS. WEATHERSBY: Your Honor, I need to have
7 just one moment to see how these documents differ and
8 then perhaps we could have a stipulation as to what
9 is different here because I think it's just been
10 brought down to the current date.

11 JUDGE DOLAN: All right. We'll go off the
12 record for a second.

13 (Discussion off the record.)

14 JUDGE DOLAN: A discussion took place off the
15 record concerning transcripts of the bill. It was
16 found that the document counsel had presented was
17 just an updated version. The parties have agreed to
18 use the document that was dated -- what was it --
19 February --

20 MS. HOCHHAUSEN: February 12, 2004.

21 JUDGE DOLAN: February 12th, 2004. Go ahead
22 and proceed, Counsel.

1 BY MS. HOCHHAUSEN:

2 Q Can you please tell me what the headings on
3 this document represent?

4 A The heading is -- it's a transcript for
5 Mt. Pisgah, if that's what you're talking about.

6 Q And -- okay. When it says reading dates
7 from to, can you explain to me what that means?

8 A Reading dates mean dates that the bill
9 covers. So, from August 22nd, 2002 to September
10 23rd, 2002, it's a 30 -- 32 day period. So, that's
11 the time period of the bill.

12 Q Okay. And the reading type, could you tell
13 me what that means?

14 A Reading type EST means it was an estimated
15 read at that time.

16 Q And --

17 A And next to it is what the estimating was
18 at that time.

19 Q Okay. And what does ACT mean?

20 A ACT means actual company reading.

21 Q Okay. And then the heading that says meter
22 reading different?

1 A Meter reading difference is the amount of
2 gas that would be the difference between the previous
3 reading to the current reading.

4 Q Okay. And then does the -- this document
5 show the bills -- the amount of the bill?

6 A Yes.

7 Q And what heading is that under?

8 A That would be under net bill.

9 Q Okay. And then -- then there's headings
10 for late charge deposit, previous balance --

11 A Right. Credits, total amount due, any
12 payments and then what the account balance was at the
13 time of the bill.

14 Q Okay. Reading across line two, can you
15 please tell me what that shows?

16 A On line two it's showing that from
17 October -- say October 25, 2001 to October 2nd, 2002,
18 he received an adjusted bill at that time. We read
19 the meter on October 2nd and the reading was 27374.

20 Q And --

21 A Actually it wasn't -- it didn't
22 really -- the bill didn't really end at October 2nd,

1 2002. It actually ended October 23rd, 2002. But
2 since October 2nd isn't the normal billing time for
3 this particular account, the difference between the
4 October 2nd and October 23rd, that value would be
5 estimated because we didn't read it on the exact
6 billing date that was due.

7 Q Okay. And why?

8 MR. SMITH: I'm going to object to any remarks
9 for line numbers 4 through 23 because that is outside
10 of the scope of the bills that are in question. The
11 last bill that was in question was from 10/23/01 to
12 9/23/02.

13 MS. WEATHERSBY: We have no problem with that,
14 but Counsel, we have allowed you to put in all kind
15 of bills rolling forward dates and information and
16 the bills from the previous period. So, in order for
17 him to explain the record, it's going to be important
18 to show what the billing period was before actual
19 versus estimate. And adjusted bills are based upon a
20 prior period. And the rules allow for that. And,
21 so, without that testimony, we can't put on our case.
22 And the record will show, if we review, your witness

1 must have testified to about 15 records prior to the
2 period in time. And only after I said this is going
3 on and on, did I stipulate and agree it was okay for
4 us to allow that information to come in. So, we are
5 simply rebutting and allowing information for that
6 same period.

7 JUDGE DOLAN: I'm going to overrule the
8 objection. Go ahead.

9 BY MS. HOCHHAUSEN:

10 Q So, on October -- or October 10th, 2002,
11 there was an actual read that was taken?

12 A Correct.

13 Q And that was in between the time of an
14 actual billing period?

15 A Correct.

16 Q And why might a meter reading be taken
17 between those times?

18 A Well, we -- it's because we hadn't read the
19 meter in a while and the customer was asking for a
20 meter reading, so we read the meter. And since it
21 was prior to the normal billing time, we can't bill
22 the customer out of time, basically. It would not be

1 his billing time because then he would have received
2 two bills in the same period saying, hey, you owe a
3 bill for this period and now you owe another bill two
4 week later. The customer then would have been really
5 questioning why he's getting two bills in the same
6 month.

7 Q Okay. So, October 2nd, 2002, you took an
8 actual read; correct?

9 A Correct.

10 Q And when was the last actual read you took
11 before that time?

12 A October 25th, 2001.

13 Q And, so, in between that time period, then,
14 how did you bill the customer? How did you calculate
15 gas usage to bill the customer?

16 A The customer is re-billed based on
17 degree-day analysis. So, the system automatically,
18 like, re-bills the account. And since he was being
19 undercharged, he's given a make-up bill for the
20 difference, which came to \$6,696.33.

21 Q And why would the customer have been
22 undercharged during that time period?

1 A Because we were estimating the bills too
2 low.

3 Q And an actual -- how would an actual read
4 show you that?

5 A Well, when we read the meters, the
6 difference between the actual read and the estimated
7 read and the difference between line one and two is
8 roughly 9,000 feet of gas.

9 Q So, the adjusted bill, then, is based on
10 two actual reads; correct?

11 A Correct.

12 Q And is it customary for Peoples Gas to make
13 adjustments when gas usage is underestimated?

14 A Yes.

15 Q Are there any other documents that you used
16 in compiling this transcript that might be helpful to
17 show Mt. Pisgah's gas usage history?

18 A Meter readings.

19 Q Okay. Turning to Respondent's Group
20 Exhibit 7.

21 Do you recognize this document?

22 A Yes.

1 Q Can you tell me what this document is?

2 A It's a history of the meter reading at the

3 premise at Mt. Pisgah.

4 Q And was this made by a person with

5 knowledge of the acts appearing on it?

6 A Yes.

7 Q And was it made at or near the time of the

8 acts appearing on it?

9 A Yes.

10 Q Is it the regular practice of Peoples Gas

11 to make such a record?

12 A Yes.

13 Q And is it kept in the course of regularly

14 conducted business?

15 A Yes.

16 Q Can you please go to the line with the date

17 October 25th, 2001. Okay. On October 25th, 2001,

18 what kind of reading was taken of the meter?

19 A A company reading.

20 Q And was that an actual or an estimate?

21 A Actual.

22 Q And what was the meter reading?

1 A 74680.

2 Q Okay. And can you go to the next actual
3 read, please.

4 A Forward or backwards?

5 Q Forward.

6 A The next actual read was October 2nd, 2002.

7 Q And what was the read on that date?

8 A 27374.

9 Q And that's the date the adjusted bill was
10 based on; correct?

11 A Right. Correct. Yes.

12 Q Why might Peoples Gas take estimates for
13 that whole time period without having actual reads
14 between October 2ndth -- October 25th, 2001, October
15 2nd, 2002?

16 A Service person -- when he went out didn't
17 get a response. I don't really -- I can't say for a
18 hundred percent because I'm not the person who's
19 reading the meter. But if they didn't get a response
20 or maybe the person was scheduled to go out there,
21 called in sick, said they didn't read the meter in
22 that area.

1 Q Are you aware of any attempts that Peoples
2 Gas made to access the meter to take an actual read
3 during that time period?

4 A I know there were some attempts, yes.

5 Q Okay.

6 (Whereupon, Respondent's Exhibit
7 No. 8 was marked for
8 identification as of this
9 date.)

10 BY MS. HOCHHAUSEN:

11 Q Showing to you what's marked as
12 Respondent's Group Exhibit 8, do you recognize this
13 document?

14 A Yes.

15 Q And can you tell me what this document is?

16 A It's the meter reading history for the
17 person who reads the meter of that area.

18 Q And was this record made by a person with
19 knowledge of the acts appearing on it?

20 A Yes.

21 Q And was it made at or near the time of the
22 events on it?

1 A Yes.

2 Q Is it the regular practice of Peoples Gas
3 to make such a record?

4 A Yes.

5 Q And is it kept in the course of regularly
6 conducted business?

7 A Yes.

8 Q Can you please describe to me -- on the top
9 of page one about one, two, three, four lines down,
10 can you tell me what this says?

11 A Well, the -- the number above the
12 highlighted number is the account number for
13 Mt. Pisgah. And then, obviously, to the right of
14 that is where it's shown -- that's the meter reading
15 for Mt. Pisgah Baptist Church. And the information
16 below that, I'm not a hundred percent sure what the
17 5200 is. I don't know if that's the service guy's
18 number that went out there. I'm not a hundred
19 percent sure on that. And then next to that is the
20 reason -- what happened when he went out there. It
21 says he couldn't get in to read the meter --

22 Q Okay.

1 A -- at that time. He made an attempt to
2 read the meter but nobody was there.

3 Q And what does this note specifically say?

4 A Can't, no -- no condition, no one home.

5 Q Okay. And this -- what date did they try
6 to read the meter?

7 A December 31st, 2001.

8 Q So, this is after October 25th, 2001;
9 correct?

10 A Correct.

11 Q And turning to page two, what's -- what is
12 the date of this attempt to read the meter?

13 A February 28th, 2002.

14 Q Okay. And can you tell me what the notes
15 indicate here for Mt. Pisgah Missionary?

16 A This one's saying, can't -- it looks like
17 it's saying the place was closed at the time they
18 made an attempt to read the meter.

19 Q And they did not get a read at that time
20 either?

21 A No, no reading at that time.

22 Q Okay. And then again on page three, what

1 is the date of this attempt?

2 A April 29th, 2002.

3 Q Okay. And was Mt. Pisgah able -- or was
4 the Peoples Gas employee able to read the meter at
5 Mt. Pisgah at this time?

6 A No, just saying can't, no condition, not
7 home.

8 Q But this would indicate that they made an
9 attempt to read it; correct?

10 A Yes.

11 (Whereupon, Respondent's Exhibit
12 No. 2 was marked for
13 identification as of this
14 date.)

15 BY MS. HOCHHAUSEN:

16 Q Now, I'd like to hand you what's been
17 marked as Respondent's Exhibit 2.

18 And do you -- do you recognize this
19 document?

20 A Yes.

21 Q And what is this document?

22 A A copy of a bill.

1 Q And was this record made by a person with
2 knowledge of the events appear on it?

3 A Yes.

4 Q Was it made at or near the time of the
5 events on it?

6 A Yes.

7 Q And is it the regular practice of Peoples
8 Gas to make such a record?

9 A Yes.

10 Q Was that record kept in the course of
11 regularly conducted business?

12 A Yes.

13 Q What is the date on this bill?

14 A The bill date is October 25th, 2002.

15 Q And can you explain to me what the charges
16 are -- reflect on the bill?

17 A The charges -- the first part, the summary
18 of charges, shows what the previous balance was, any
19 payments made and then it shows that a portion of the
20 bill was canceled. And then the same portion of the
21 bill was revised or re-billed.

22 MR. SMITH: For the record, I need to make a

1 late objection to note it for the record. I'm going
2 to ask that any testimony regarding Group Exhibit 8
3 be stricken. That document was not provided within
4 seven days and it's extremely prejudicial to my
5 client because if it had been provided, I'd have had
6 someone here to rebut this information.

7 MS. WEATHERSBY: Your Honor, I wish I had
8 brought the entire file that's back at the office,
9 but it's really difficult for me to examine what
10 possibly has transpired with, you know, all the
11 changes in the case. However, we did allow testimony
12 from counsel's witnesses as to who was present,
13 access and so forth. And this is merely our case
14 with respect to that same issue. So, to the extent
15 the documents are stricken, I think that Mr. Schmoldt
16 can still speak to attempts that his review of the
17 records show because he's prepared a summary that
18 showed, you know, estimated readings and no access
19 and so forth and so on.

20 So, we're in a really difficult position
21 herein that his witness has testified that I was
22 there and so forth and so on regarding access issues.

1 And we're merely putting on testimony regarding our
2 attempted access.

3 JUDGE DOLAN: Well, Counsel, the problem is
4 that Cynthia Cicero isn't here to testify that she
5 actually did it. Their clients were here to testify
6 that they were present --

7 MS. WEATHERSBY: Your Honor, I understand, but
8 they also said they had 22 officers and there were
9 numerous employees. And it was unclear who was
10 present when. If you recall, the minister as
11 well -- he said, I have 22 officers -- 22 deacons,
12 someone's there, I'm not sure. So, it's been unclear
13 who would have been present at different times. So,
14 I don't know that the church secretary would have
15 been the definitive person. Had we known there were
16 22 possible persons who were controlling access,
17 maybe I would have sent a broad-based subpoena
18 because we are penalized as well. So, I think
19 that --

20 JUDGE DOLAN: Well, what's this document
21 considered as far as your list of exhibits?
22 What's --

1 MS. HOCHHAUSEN: It's one of our computer --

2 MS. WEATHERSBY: It's a business record.

3 JUDGE DOLAN: But your list of exhibits -- ICC

4 complaint, transcript, read detail sheet, duplicate

5 bills, payment record, See First Company business

6 records --

7 MS. WEATHERSBY: See First Company business

8 records. Everything in our system is See First

9 business records.

10 MR. SMITH: What letter are you looking at,

11 your Honor, if you don't mind?

12 JUDGE DOLAN: The one from November 12th that

13 lists the witnesses and exhibits that you've been

14 going off of.

15 MR. SMITH: I have not received anything since

16 August the 2nd, 2004. As a matter of fact, I spoke

17 with counsel in December and you said that you were

18 going to bring whatever documents you had for me to

19 the hearing.

20 MS. WEATHERSBY: -- to the hearing --

21 MR. SMITH: Right.

22 MS. WEATHERSBY: And you said that would be no

1 problem, but I -- did that letter not go to
2 Mr. Smith and we cc'd the referee?

3 MS. HOCHHAUSEN: Yes, it did.

4 MS. WEATHERSBY: I feel as though --

5 MR. HOCHHAUSEN: But the referee got the
6 copies, so...

7 JUDGE DOLAN: I didn't get any exhibits. I
8 just got the copy of letter.

9 MS. HOCHHAUSEN: We didn't mail exhibits at the
10 time because we had spoke with him on the phone and
11 he said that that would be fine if we brought the
12 exhibits to the hearing rather than give them to him
13 prior.

14 MS. WEATHERSBY: That's correct. And at that
15 time, I think the hearing was anticipated to be the
16 very next week and then -- I can't really say what
17 happened.

18 MS. HOCHHAUSEN: I think that's why we never
19 gave him additional ones because -- since he had
20 agreed to it originally.

21 MS. WEATHERSBY: And, Counsel, for the record,
22 did you not agree to that?

1 MR. SMITH: I'd like to note my objection for
2 the record. If you overrule it, that's fine; but --

3 JUDGE DOLAN: You know, for what this record's
4 worth, I'm going to overrule the objection and
5 just -- let's move on.

6 BY MS. HOCHHAUSEN:

7 Q Okay. Respondents's Group Exhibit 2, back
8 to the bill dated October 25th, 2002. You were
9 explaining the summary charges, I think, at the time?

10 A Yes. Okay. It shows that we canceled
11 prior billing between October 25th, 2001 to September
12 23rd, 2002. That billing totalled \$21,874.78. We
13 revised the bill for the same time period,
14 October 25th, 2001 to September 23rd, 2002 for
15 \$27,587,85, which leaves a balance of \$5,713.07.

16 Q So, that \$5,713.07, is that the difference
17 between the amount that was under billed and the
18 amount that was the actual read taken?

19 A Yes.

20 Q So -- and at the time -- or what was this
21 re-billing based on?

22 A The October 2nd meter reading.

1 Q And that was an actual read?

2 A Correct. Yes.

3 Q Can you explain, then, why the bill here
4 says "current estimate October 23rd"?

5 A Well, the customer is normally billed
6 around the 23rd of each month. So, to bill them on
7 the 2nd and then bill them again on the 23rd, would
8 be a double bill in a month. We couldn't do that.
9 So, October 2nd is not their normal billing time.
10 So, the next billing date was October 23rd, which was
11 basically 21 days later. That's when we billed the
12 account.

13 Q Okay. But the bill -- the read on
14 October 2nd was an actual read not an estimate;
15 correct?

16 A Correct.

17 Q And that's what the adjusted bill was based
18 on?

19 A Correct.

20 Q And was this explained to the customer?

21

22

1 A As far as I know, yes.

2 (Whereupon, Respondent's Exhibit
3 No. 16 was marked for
4 identification as of this
5 date.)

6 BY MS. HOCHHAUSEN:

7 Q I'd like to hand you what's been marked as
8 Respondent's Exhibit 16.

9 Do you recognize this document?

10 A Yes.

11 Q Can you please tell me what this document
12 is?

13 A In this case it's -- it's called a comments
14 detail, which -- when a customer calls the customer
15 service line, if a customer is given, like, an
16 explanation of a bill or wants something notated on
17 the account, the person or persons they talk to will
18 make a note on the account what was said to them or
19 what needs to be placed on the record.

20 Q And can you tell me what this document
21 states?

22 A This document states that Reverend Jackson

1 requested for a supervisor callback. This particular
2 person, Mr. Johnson, explained to cust (sic) that
3 adjustments are due to underestimated bills,
4 suggested to cust to take reading and phone it in and
5 cust refused, required to speak with a supervisor and
6 that was done on October 29th, 2002.

7 Q So, this record -- this company record
8 indicates that the adjustments were explained to the
9 reverend; correct?

10 A Correct.

11 Q And did Peoples Gas ever attempt to put the
12 customer on a payment plan regarding the adjusted
13 bill?

14 A It would have been offered, yes.

15 Q Okay.

16 (Whereupon, Respondent's Exhibit
17 No. 17 was marked for
18 identification as of this
19 date.)

20 BY MS. HOCHHAUSEN:

21 Q Turning to Group Exhibit 17, do you
22 recognize this document?

1 A Yes.

2 Q And could you please tell me what this
3 document reflects?

4 A This document reflects, basically, what's
5 called a work queue, which is a dispute that's put on
6 the account regarding the bill -- customer went to
7 Illinois Commerce Commission, basically at that time
8 disputing the bill or wanting an explanation of the
9 bill.

10 Q All right. And what did the Peoples Gas
11 employee who made this record input in his comment?

12 A That we spoke with the customer. Whether
13 it was the secretary, Mr. -- Reverend Jackson, I
14 don't know. We don't -- I don't recall who we talked
15 to -- that the billing was correct. Customer was
16 offered a payment plan for 12 months with no late
17 charges added to that payment plan.

18 Q So, a payment plan was offered to Mt.
19 Pisgah at this time?

20 A Yes.

21 Q And did the customer accept the offer?

22 A I don't believe they did at that time. I

1 can't -- I don't remember a hundred percent for sure.

2 Q Turning to page two of this document, can
3 you tell me what this record indicates?

4 A A note that was put on the account by Curt
5 Thomas regarding the bill. It says, I called three
6 times, never in. It says, called Reverend three
7 times, never had -- was offered no LPC on bill and
8 no -- and no LPC STA, but secretary said would call
9 back. Offered same. If call, associate note from
10 Ms. Davis on 11/7 regarding same.

11 Q Do you know what LPC is?

12 A Late payment charges.

13 Q Okay. So, they offered no late payment
14 charges to the secretary?

15 A Correct.

16 Q So, the person who -- Curt Thomas, who made
17 this record, spoke with the secretary; correct?

18 A Correct.

19 Q And it shows that he called the Reverend at
20 least three times?

21 A Correct.

22 Q And the Reverend was not available on any

1 of those occasions?

2 A Correct.

3 MS. HOCHHAUSEN: No further questions.

4 JUDGE DOLAN: Cross-examination?

5 CROSS-EXAMINATION

6 BY

7 MR. SMITH:

8 Q What is your policy on meter reading? If a
9 customer requests that a meter be read, what's the
10 policy?

11 A If a customer requests the meter be read,
12 we try to accommodate the customer and read the
13 meter.

14 Q Do you read it, like, immediately or within
15 the next billing cycle? How does that usually work?

16 A We try to schedule a date when we can read
17 the meter.

18 Q Okay.

19 MR. SMITH: I'm going to show counsel a
20 document that was provided to me by your office
21 pursuant to a discovery request. I'm just going to
22 mark it as --

1 MS. WEATHERSBY: Have we provided this document
2 to you and then you indicated you'd be using this as
3 one of your exhibits -- just to use your own argument
4 that you used ten minutes ago --

5 MR. SMITH: You're not prejudiced. It's your
6 document.

7 MS. WEATHERSBY: I just want to make sure that
8 you indicated you'd be using this, whether in
9 rebuttal or whatever. We haven't offered it into
10 evidence and we haven't presented it as a part of our
11 record, but I have no objection. I'm sure. I'll see
12 what it is.

13 MR. SMITH: Thank you. Okay. I'm going to --
14 just for -- I'm going to label this document as --

15 MS. WEATHERSBY: Maybe, Counsel, you can let us
16 know what the question was --

17 MR. SMITH: Sure.

18 MS. WEATHERSBY: -- and what his response was.

19 MR. SMITH: Let me just ask the question, maybe
20 that might be easier.

21 BY MR. SMITH:

22 Q Is it company's policy to read the meter

1 upon the customer's request?

2 A Yeah. If the customer requests a meter
3 reading, we would somehow set up something, you know,
4 to try to arrange a date or something to read the
5 meter.

6 Q Okay. This Group Exhibit 8, Cynthia
7 Cicero, these are her notes. Did you talk with her
8 regarding these attempts?

9 A Well, these aren't actually her notes.

10 Q Okay.

11 A These are documents that are in the
12 computer system that she pulled for us.

13 Q Okay.

14 A These are See First notes. The service
15 person who made the attempts to read the meter, these
16 are his notes.

17 Q Is that person listed on here?

18 A Yeah, 5200 might be the service person's
19 number --

20 Q Okay.

21 A -- that attempted that. It doesn't name
22 them by name. It just goes by number.

1 Q So, let's assume that 5200 is the person
2 that actually does this. Can we assume that?

3 A Yeah, we'll assume that.

4 Q On page one, how many times was this person
5 successful in getting inside to read the meter?

6 MS. WEATHERSBY: Objection. I don't think that
7 record -- first of all, it's only relevant with
8 respect to Mt. Pisgah. Secondly, I don't think it
9 goes to their entire day in work queue. So,
10 objection. Relevance.

11 MR. SMITH: I mean, is --

12 MS. HOCHHAUSEN: Only line four of this
13 document refers to Mt. Pisgah. This is their whole
14 day's --

15 MR. SMITH: This is this person's whole days;
16 (sic) right?

17 MS. HOCHHAUSEN: Yes.

18 MR. SMITH: Right.

19 THE WITNESS: Well, not -- this is just a
20 portion of his whole day.

21 BY MR. SMITH:

22 Q Well, this portion of his whole day --

1 A Right.

2 Q Let me rephrase my question. This portion
3 of his whole day, how many times was he successful in
4 reading the meter?

5 MS. WEATHERSBY: Objection. Relevance. Once
6 again it's beyond the scope. In terms of that
7 employee's productivity, it goes to access at
8 Mt. Pisgah and how many times they -- the company
9 tried to get to Mt. Pisgah, not that employee because
10 we don't have a complete record of that employee's
11 productivity for it -- for that day. So, objection.
12 Relevance to the extent it's for that employee.

13 JUDGE DOLAN: I'll sustain it.

14 BY MR. SMITH:

15 Q Did you talk to the employee that went out
16 to try to read the meter on this page one, dated
17 December 31, '01?

18 MS. WEATHERSBY: No.

19 BY THE WITNESS:

20 A No.

21 Q Do you know what part of the building the
22 person went to?

1 A No.

2 Q Do you know what time the person went
3 there?

4 A No. I don't think there's a time listed on
5 what time he went there exactly --

6 Q Okay.

7 A -- there might -- it might be in another
8 part of the document that she didn't print.

9 Q Okay. Let's go to page two. Did you talk
10 to this employee?

11 A No.

12 Q Do you know what time the person went
13 there?

14 A No.

15 Q Do you know what entrance the person tried
16 to get in through?

17 A No.

18 Q Page three, same answers?

19 A Same answers.

20 Q Okay. If you look at Exhibit 16, please,
21 the box that says remarks --

22 A Uh-huh.

1 Q -- are those the comments or remarks that
2 are typed in by the employee?

3 A Yes.

4 Q So, that's the employee's version of what
5 happened?

6 A Correct.

7 Q Okay.

8 MS. WEATHERSBY: Objection to the
9 characterization of version. I mean, it seems
10 like --

11 MR. SMITH: I'll strike it.

12 MS. WEATHERSBY: -- the word version can be
13 distorted. That's the entry that was made at the
14 time, but version --

15 BY MR. SMITH:

16 Q That's the employee's explanation of what
17 happened?

18 A Yes.

19 Q Okay. Do you know whether or not this
20 phone call was monitored by a third party at Peoples
21 Gas request?

22 A All phone calls are monitored actually.

1 Whether that one particularly was monitored at that
2 time, I could not tell you.

3 Q Okay. Look at Exhibit 17. In the
4 comments, again, this is the employee's explanation
5 of the conversation?

6 A Right.

7 Q Okay. And, again, do you know whether or
8 not this was monitored by a third employee -- a
9 third-party person of Peoples Gas and verified?

10 A Well, I can tell you it wasn't monitored.

11 Q Okay.

12 MR. SMITH: No further questions.

13 JUDGE DOLAN: Redirect?

14 MS. HOCHHAUSEN: Yes.

15 REDIRECT EXAMINATION

16 BY

17 MS. HOCHHAUSEN:

18 Q Approximately how many residential
19 customers does Peoples Gas have?

20 A 800,000 maybe, a large amount.

21 Q So, would a Peoples Gas employee have any
22 reason to modify the records in any way?

1 A No.

2 MS. HOCHHAUSEN: No further questions.

3 JUDGE DOLAN: Any recross?

4 RECROSS-EXAMINATION

5 BY

6 MR. SMITH:

7 Q Do you believe a People (sic) employee

8 personnel would give a version that makes that person

9 look bad?

10 MS. HOCHHAUSEN: Objection. Speculation.

11 MR. SMITH: Same question you asked, just

12 different format.

13 JUDGE DOLAN: It is. Overruled.

14 MS. WEATHERSBY: Say that again.

15 MR. SMITH: I knew you would going to say that.

16 BY MR. SMITH:

17 Q Do you believe that a People employee -- a

18 Peoples Gas employee, whose job it is to input his or

19 her conversation, would give a version of the

20 explanation that puts him or her in a bad light?

21 A I can't really -- I honestly can't answer

22 that because -- I mean, everybody puts in what they

1 think is the way a conversation went, whether it's
2 god or bad.

3 MR. SMITH: Thank you very much.

4 THE WITNESS: Thank you.

5 MR. SMITH: No further questions.

6 JUDGE DOLAN: Okay.

7 MS. HOCHHAUSEN: No further questions.

8 JUDGE DOLAN: All right. Thank you, sir.

9 THE WITNESS: Thank you.

10 MS. WEATHERSBY: Thank you.

11 JUDGE DOLAN: All right. We're ready to
12 present exhibits, then?

13 MR. SMITH: Can I take 30 seconds to make that
14 child care phone call?

15 JUDGE DOLAN: Sure. We'll go off the record.

16 (Recess taken.)

17 JUDGE DOLAN: Okay. We're going to be
18 presenting exhibits at this time. Counsel?

19 MR. SMITH: Your Honor, we're going to present
20 Complainant Group Exhibit 1 through 62. It's a total
21 of 62 pages and it's numbered pages 1 through 62 into
22 evidence, your Honor.

1 JUDGE DOLAN: Group exhibit?

2 MR. SMITH: Yes.

3 JUDGE DOLAN: Okay. One through 62?

4 MR. SMITH: Yes.

5 JUDGE DOLAN: Any objection, Counsel?

6 MS. WEATHERSBY: One second. The only

7 objection is it should be noted that any handwritten

8 records that amends Peoples Gas' bills and records

9 was not to be considered.

10 JUDGE DOLAN: With that stipulation -- or with

11 that qualification, Group Exhibit --

12 MR. SMITH: If I may, there were some comments

13 that she made to the handwritten that were her

14 actual -- that were her actual notes that -- comments

15 that she made calling Peoples Gas. So, those should

16 be allowed because she testified regarding those --

17 MS. WEATHERSBY: Only those comments. It was

18 about three or one sheet. I mean, you don't have to

19 go back through the record. I can tell you which one

20 it was.

21 MR. SMITH: I mean, whatever is reflected in

22 the record.

1 MS. WEATHERSBY: Right, whatever is reflected
2 in the record.

3 JUDGE DOLAN: That's fine. Subject to that
4 objection --

5 MS. WEATHERSBY: Sure. Yes.

6 JUDGE DOLAN: -- Group Exhibits 1 through 62
7 will be admitted into evidence.

8 (Whereupon, Complainant's
9 Exhibit Nos. 1 through 62 were
10 admitted into evidence as of
11 this date.)

12 JUDGE DOLAN: Complainant rests?

13 MR. SMITH: Complainant rests.

14 JUDGE DOLAN: Okay. Counsel?

15 MS. HOCHHAUSEN: I'd like to admit into
16 evidence Respondent's Exhibit 1, Respondent's
17 Exhibit 2, Respondent's Exhibit -- Group Exhibit 6,
18 Group Exhibit 7, Group Exhibit 8, Exhibit 9,
19 Exhibit 10, Respondent's Exhibit 16 and 17.

20 MS. WEATHERSBY: Make sure that opposing
21 counsel has all those same sheets.

22 MS. HOCHHAUSEN: Yep.

1 JUDGE DOLAN: All right. You've got
2 Respondent's Exhibit 1, Respondent's Exhibit 2,
3 Respondent's Group Exhibit 6, Respondent's Group
4 Exhibit 7, Respondent's Group Exhibit 8, Exhibit 9,
5 Respondent's Exhibit 10, Respondent's Exhibit 16 and
6 Respondent's Exhibit 17?

7 MS. HOCHHAUSEN: That's correct.

8 JUDGE DOLAN: Any objection, Counsel?

9 MR. SMITH: No objection. I'm just going to
10 note that I have the same order. No objection.

11 JUDGE DOLAN: Okay. Respondent's Exhibit 1, 2,
12 Group Exhibit 6, Group Exhibit 7, Group Exhibit 8,
13 Exhibit 9, Exhibit 10, Exhibit 16 and Exhibit 17 will
14 be admitted into evidence.

15 (Whereupon, Respondent's Exhibit
16 Nos. 1, 2, 9, 10, 16, 17 and
17 Group Exhibits 6, 7 and 8 were
18 admitted into evidence as of
19 this date.)

20 MS. WEATHERSBY: Thank you.

21 JUDGE DOLAN: All right. With that,
22 Respondents rest?

1 MS. HOCHHAUSEN: Yes.

2 JUDGE DOLAN: Okay. I would like a brief from
3 each of you, basically stating the parties' positions
4 and what findings you feel should take place. And
5 I'd like that within two weeks, by January 27th,
6 2005. And then I will give the parties an
7 opportunity to file a reply brief within seven days
8 of that or by Thursday, February 3rd, 2005.

9 Any problems with that?

10 MS. WEATHERSBY: 1/27/05 and reply 2/3/05?

11 JUDGE DOLAN: Correct.

12 MR. SMITH: Okay.

13 JUDGE DOLAN: With that, this matter is marked
14 heard and taken.

15 MS. HOCHHAUSEN: Thank you.

16 MS. WEATHERSBY: Thank you.

17 HEARD AND TAKEN

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22